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ABSTRACT

This booklet contains a report on a joint committee hearing on the Overseas Teachers Act of 1987 (H.R. 3424). The bill provides that anyone who is hired overseas (known as a local hire) in the Department of Defense Dependents' Schools (DODDS) before enactment of the bill and who has completed or completes three years of teaching will qualify for full benefits, provided he or she does not receive comparable benefits through a military or civilian spouse. In the future, anyone hired as a local hire may not continue to teach in the DODDS schools beyond one year, unless he or she reapplies as a state-side hire and competes with all other state-side hire applicants. The spouses of military personnel are the only exceptions to this one-year rule. The second major set of provisions in the bill are aimed at both reducing the reliance on local hires and helping to enforce an effective transfer program. (JD)

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OVERSEAS TEACHERS ACT OF 1987

ED295930

JOINT HEARING

BEFORE THE

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

AND THE

COMMITTEE ON EDUCATION AND LABOR HOUSE OF REPRESENTATIVES

ONE HUNDREDTH CONGRESS

FIRST SESSION

ON

H.R. 3424

A BILL AMENDING THE DEFENSE DEPARTMENT OVERSEAS TEACHERS PAY AND PERSONNEL PRACTICES ACT AND THE DEFENSE DEPENDENTS' EDUCATION ACT OF 1978

OCTOBER 27, 1987

(Post Office and Civil Service Committee Serial No. 100-35)
(Education and Labor Committee Serial No. 100-52)

SP 030321

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OVERSEAS TEACHERS ACT OF 1987

TUESDAY, OCTOBER 27, 1987

U.S. HOUSE OF REPRESENTATIVES, COMMITTEE ON POST OFFICE AND CIVIL SERVICE, AND COMMITTEE ON EDUCATION AND LABOR

Washington, DC.

The joint committees met, pursuant to call, at 9:43 a.m., in room 311, Cannon House Office Building, Hon. William D. Ford (chairman of the Committee on Post Office and Civil Service) presiding.

Mr. FORD. Good morning. I am pleased to welcome all of you to this hearing today on H.R. 3424, the Overseas Teachers Act of 1987.

H.R. 3424 principally addresses two issues related to the recruitment and employment of teachers working for the Department of Defense Dependents' Schools.

The first issue concerns the hiring of teachers. This bill would take care of the inequities that have been allowed to develop in which locally hired teachers work year after year, but continue to remain forever in a second class status. In this bill, anyone hired as a local hire before enactment of this bill who has completed or completes three years of teaching will qualify for full benefits, provided he or she does not receive comparable benefits through a military or civilian spouse.

In the future, anyone hired as a local hire may not continue to teach in the DODDS schools beyond one year, unless he or she reapplies as a state-side hire and competes with all other state-side hire applicants.

The spouses of military personnel are the only exception to this one-year rule. Although the Civil Service laws generally do not permit consideration of marital status, the spouses of military personnel have been provided an exception to this limitation and may continue to teach so long as he or she continues to reside with the military sponsor.

This exception is consistent with employment preferences provided military spouses under the 1985 Department of Defense Authorization Act, and is justified because these spouses are subject to command directed transfers.

The second major set of provisions in the bill are aimed at both reducing the reliance on local hires and helping to enforce an effective transfer program. The bill requires that principals provide timely notice to DODDS headquarters in Washington of all vacancies or anticipated teaching vacancies.

The bill goes on to prioritize the method by which these vacancies shall be filled. First, teachers holding positions in DODDS schools will be considered for transfer to new positions.

Second, state-side teachers who have applied to work in the DODDS school will be considered.

And, last, any local hire may be considered to fill a vacancy.

By enforcing an effective transfer program, teachers will no longer be destined to work in a part of the world considered a hardship post without any expectation that they may be reassigned to one of the more desirable areas.

The bill does not propose radical reforms to the operation of the overseas schools, but I do believe it goes a long way in making the system fairer and more effective.

I look forward to hearing from our witnesses today, but first I would like to recognize my colleagues for any statements they would care to make. I should note that this is a joint hearing between the Post Office and Civil Service Committee and the Education and Labor Committee and by agreement with the chairman of the Education and Labor Committee, we will proceed here today. We have members of both committees present with us today.

Mr. HORTON. Mr. Chairman.

Mr. FORD. Yes.

Mr. HORTON. Thank you, Mr. Chairman. I want to welcome my colleagues from the Education and Labor Committee for this hearing. It is always a pleasure to work with the many fine members of that committee on problems that affect both of our jurisdictions. One of those problems confronts us at the hearing today—that of the hiring practices and benefits received for teachers with Department of Defense Dependents' Schools.

Although many members have had an acute interest in this difficult question, I want to commend one of my colleagues in particular for her work. Congresswoman Mary Rose Oakar has been a leading proponent of efforts to improve the working conditions for teachers at the Defense Department schools. This is not a glamorous issue, but it is one that must be addressed responsibly by our two committees. Mary Rose's work has provided an important foundation for these hearings. In addition, my chairman, Congressman Ford, has had a strong interest in addressing the unique problems associated with DODDS and its teachers.

The problems we will discuss today run the gamut—from the ability to transfer and to select specific schools, to substitute teaching, breaks in service and so-called "local hires." Looking at our witness list, I see we have many experts from both the teaching community and the Department of Defense. I want to take this time to welcome those who will come before this joint committee today, and say that I look forward to their expert testimony and comments.

Mr. FORD. Mr. Sawyer.

Mr. SAWYER. Thank you, Mr. Chairman.

First of all, I would like to thank you for holding these hearings on this important piece of legislation and providing the leadership on legislation. It looks to me to be a balanced approach, concerning teacher training and recruitment by the Department of Defense Dependents' Schools.

The educational reform debate in this country has in the past few years focused on teacher training and standards and, as well, on wages and conditions. I think we have come to recognize that those two fundamental areas are inextricably linked and that together they affect the quality of education. This is as true for teachers abroad as it is here at home.

Clearly, conditions in the Department of Defense Dependents' Schools warrant close scrutiny by Congress, and under the aegis of this joint conference, we will provide that scrutiny.

Thank you, Mr. Chairman.

Mr. FORD. Thank you.

At this point I have a statement by Mary Rose Oakar, who has worked on this legislation for a number of years, and without objection, it will be inserted at this point in the record.

[The prepared statement of the Hon. Mary Rose Oakar follows:]

STATEMENT OF CONGRESSWOMAN MARY ROSE OAKAR

Mr. Chairman, it is indeed an honor for me to join you today in these very important hearings. Let me commend you for moving so quickly to hold these hearings on an issue of vital concern to so many Department of Defense teachers.

Your leadership in this area is so much appreciated by your colleagues and those whose interest we represent.

Mr. Chairman, as you know, many of us have sought to improve the working conditions for Department of Defense dependents school teachers. We have also attempted to maintain the integrity of the teacher workforce and protect the compensation program from unwarranted budgetary reductions.

Mr. Chairman, this bill is a modest proposal to help ensure that we attract and retain superior teachers in the overseas school system in order to guarantee the finest possible education for the children of the members of our armed services and civilian employees serving abroad.

The Federal public schools are responsible for the education of 140,000 American children living abroad—they are the sons and daughters of our service men and women who contribute so much to the defense of our country, and who deserve nothing less than the best education for their children. It is important that our military families be able to stay together, with their children assured of a quality public education regardless of where they are stationed around the world.

Most of us would view the prospect of living in Japan, Okinawa, Korea, the Phillippines, Italy, Panama, Bermuda, Norway, Germany, or Holland (to name but a few of the locations of the over 270 schools) with the excitement of children visiting Disneyland—faraway places, with faraway names, castles, and knights of old.

In some countries, however, the realities of life are far less pleasant for our overseas personnel due to the high cost of living and modest salaries paid them. Many of the employees also encounter substandard housing, language difficulties, cultural adjustments, poor medical facilities, and less sophisticated communications systems. We sometimes forget that Americans have the world's highest standard of living.

Two years ago, I chaired a hearing of the Subcommittee on Compensation and Employee Benefits on legislation concerning the overseas school system that I introduced in the Congress. From this hearing it became clear that there are problem areas where the Department of Defense could act administratively and those where legislation is required.

The most common complaint of career teachers in the overseas system is the denial of transfers. Most teachers would be willing to experience difficult living conditions for a year or two if they had reasonable expectations of moving to another less demanding assignment. The inadequate housing, nonportable water, and crowded classrooms are more tolerable if the prospect of better surroundings and working conditions are foreseeable.

Finally, Mr. Chairman, it is fitting that the Federal Government recognize the true worth of the teaching professional by establishing within that profession the means to attain reasonable financial rewards consistent with the contribution teachers make to our society.

We ask so much of our armed service members and their families: They suffer frequent dislocations and family separations. They are the true servants of the public—volunteers from every part of America dedicated to the freedom of our great

republic. I urge my colleagues to join us in supporting this legislation to help ensure that their children continue to have the best public school education possible.

Mr. FORD. Mr. Myers.

Mr. MYERS. Mr. Chairman, I commend you and both committees here for these hearings. It is very, very important that we do address this problem.

It is a growing problem as we see more and more need for overseas education to not only our Defense, but our State Department personnel and others who necessarily must perform their duties overseas with dependent children. It is very necessary that these children receive commensurate education with what they would receive if their parents worked in this country.

So it is a problem that will be becoming even more acute if we do not address this problem today, and I certainly commend those teachers who do go overseas to teach our young people whose parents happen to be overseas.

I know we do have a long list of witnesses here. So I will not take any more time at this time.

Mr. FORD. The gentleman from New York.

Mr. ACKERMAN. I want to congratulate both committees for meeting here under your leadership, Mr. Chairman, and I especially want to commend you for introducing H.R. 3424, the Overseas Teachers Act of 1987.

The Department of Defense Dependents' School System is one of the largest U.S. school systems, educating approximately 151,000 students, and has been operating since 1946.

Our commitment to improving the education of military dependents must never cease. H.R. 3424 strives toward that goal by equalizing the benefit structure of current overseas teachers and revising the hiring practices used by the Department of Defense.

Two months ago I joined with Chairman Ford in visiting with teachers overseas. These teachers are remarkable. In Korea they teach in temporary huts. In Panama, they teach in the midst of political unrest, and in the Azores, they teach thousands of miles from the nearest city.

As it was with all of the teachers that we met with, these instructors demonstrated rare commitment to educating our children.

Unfortunately, many of these teachers are treated unfairly. DODDS teachers hired overseas are provided with fewer benefits than those hired in the United States. H.R. 3424 alleviates this disparity by providing all current, local hire DODDS teachers with the same benefits provided the state-side hires.

While the current DODDS hiring practices have some merit, I strongly believe that the Department of Defense should not circumvent established Civil Service hiring procedures. The most qualified individuals should be hired for a teaching vacancy.

The bill establishes an impartial procedure for hiring future DODDS instructors. No longer would the more qualified state-side applicants be bypassed in favor of local hires.

An exception to this provision is provided for military spouses because of their unique situation.

Mr. Chairman, I strongly believe that H.R. 3424 provides the necessary first step to attract and retain the best and the brightest

teachers for overseas schools. I look forward to hearing from our witnesses and to working with you as we strive to improve the Department of Defense Dependents' Schools System.

Thank you, Mr. Chairman.

Mr. FORD. Mr. Henry.

Mr. HENRY. Thank you, Mr. Chairman.

On behalf of Mr. Goodling, who was caught in the Appalachians in some kind of traffic mess, I simply want to say thank you for inviting us to join with you in this hearing on this measure.

I would point out that I am aware that Mr. Goodling has some very serious concerns that he has expressed to you, I think, privately about the bill, and I appreciate your efforts to involve him and members of his subcommittee in the hearings on the bill.

Mr. MYERS. Would the gentleman yield?

Is he caught in Appalachia in a traffic jam? In another committee I serve on, we have spent hundreds of millions of dollars in the last ten or 15 years to improve the highways there. I cannot believe it.

Mr. FORD. Well, I think it is the Alleghenies that he is having trouble with.

Mr. MYERS. I am sorry.

Mr. FORD. Those are the mountains that we go through on the way back to Michigan. That is where Bill's district is.

Mr. BALLENGER.

Mr. BALLENGER. No statement.

Mr. FORD. Mr. Petri.

Mr. PETRI. No statement.

Mr. FORD. Mr. Goodling, I am sure, would be here because he has been working on this with the committee staff from both committees.

They traveled extensively this past summer, visited a number of sites, and discussed the basic provisions of the bill with teachers, administrators, parents, and others. They prepared a tremendous amount of material that is available to the committee and is a part of the report of this committee.

I expect that we will be working very closely with him in developing the bill in its final form.

At this time I would like to call Dr. John Stremple, Director of the Department of Defense Dependents' Schools.

Do you want to bring someone up with you?

Dr. STREMPLE. I would like to introduce. Mr. Mervin Scott, our Director of Personnel.

Mr. FORD. Mr. Mervin Scott, Director of Personnel for Department of Defense Overseas Schools.

Mr. SCOTT. That is correct, Mr. Chairman.

STATEMENT OF DR. JOHN STREMPLE, DIRECTOR, DEPARTMENT OF DEFENSE DEPENDENTS' SCHOOLS, ACCOMPANIED BY MERVIN SCOTT, DIRECTOR OF PERSONNEL

Dr. STREMPLE. Chairman Ford and committee members, I am John Stremple, Director of the Department of Defense Dependents' Schools. We appreciate this opportunity to appear before you to discuss H.R. 3424, a bill to amend the Defense Department Overseas

Teachers' Pay and Personnel Practices Act, and the Dependents' Education Act of 1978.

We request that you accept the written statement submitted for the record.

We are available for any questions that you may have regarding the bill or the statement.

Mr. FORD. Without objection, the prepared statement submitted to the committee will be entered in full in the record at this time.

[The prepared statement of Dr. John Stremple follows:]

STATEMENT OF DR. JOHN L. STREMPLE, DIRECTOR, DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS

Chairman Hawkins, Chairman Ford and committee members, I am John Stremple, Director of the Department of Defense Dependents Schools (DODDS). I appreciate this opportunity to appear before you to discuss H.R. 3424, a bill to amend the Defense Department Overseas Teachers pay and Personnel Practices Act and the Defense Dependents Education Act of 1978.

The proposed legislation would establish new statutory procedures in the recruitment and assignment of teachers, change the overseas allowance entitlements of some current teachers, provide for an increase in use of leave, make the directorship a career reserved position, and establish a budgeting and appropriating process that would make DODDS like other Federal education activity.

DODDS is currently funded on a fiscal year basis which runs from October through September. Each year's annual appropriation may be received as late as December, even through our school years begin in August. School staffing and the related resources must be known well in advance of the start of the school year and must remain constant during that school year if DODDS is to plan and operate the high quality education system required by Public Law 95-561. Currently, the annual appropriation "splits" each school year so that essential operational decisions necessarily made in advance of the school year may not be sustained by later appropriations. Making the fiscal year appropriation available for obligations during the subsequent academic year and authorizing advance funding of 1 year encourages long-range, better and more careful planning. Nearly all domestic education programs funded in the Department of Education are handled this way in appropriations. An appropriation that would provide forward funding for DODDS would conform with that practice.

Section 2 establishes certain restrictive procedures regarding the appointment and transfer of teachers. I fully understand that the intent behind sections 2 and 4 is to ensure an adequate supply of qualified substitute teachers overseas and to ensure that applicants residing overseas compete equally with those applicants residing in the United States. The desired result, with which we all concur, is to obtain the highest quality instructional staff for the children of our Armed Forces Personnel. The cure would, we think, be worse than any imagined problem. Applicants recruited outside the United States would not be eligible for teaching positions except as substitutes or, if the spouse of an individual serving on active duty with the military, as a temporary employee for the duration of a sponsor's tour.

The proposed legislation forces military and civilian spouses out of the overseas dependent school system rather than providing them equal benefits. The provisions related to their employment would discriminate or have the potential for discriminating against a large group of people, most of whom are women. They would be counterproductive to our efforts to recruit and retain a quality work force. For example, an outstanding military spouse should not be forced to terminate her position if the military sponsor retires and the family elects to reside overseas. Proven ability in the profession is a major factor in the selection of teachers for DODDS. There is no doubt that an educator with superior references and academic credentials is a viable candidate for employment with DODDS. Regardless of the sources of recruitment, DODDS should have the authority and flexibility to continue the employment of such a quality educator. Even if such an educator were to derive the entitlement to allowances, travel, and transportation from the retiring military spouse, DODDS would still save the cost of recruitment of a similarly qualified educator and the cost of transporting the educator, family, household goods, and automobile to the overseas area. These are significant benefits and savings. More dollars are available to spend in the classroom.

Restricting the employment of spouses of Federal civilian employees to no more than 1 year, except in a substitute capacity, would severely limit the ability of DODDS to attract civilian employees to work overseas. Professional employment opportunities overseas are severely limited. Such agencies as the Department of Defense and the Departments of State, Army, Navy, and Air Force depend upon the school system as an employment opportunity for the spouses of the individuals they employ. This provision of the legislation effectively eliminates the dual-career family from the overseas Federal work force. According to Labor Department statistics, more than one-half of all mothers with children under the age of 3 are now in the work force. In addition, nearly 58 percent of all working women are married and living with employed spouses. This statistic indicates that more than 46 million employed men and women—out of 98 million people in the American work force—are two-career couples. Whether the dual-career couple is motivated by economic need or professional development, they present unique opportunities for both the organization and the couple.

Many teaching positions now held by spouses of Federal civilian employees would become vacant each year. Admittedly, this owuld provide more opportunities for transfer for the "regular" teachers—that that have no other tie with the local military community and whose services are at a higher cost. The result would be increased turnover of personnel at individual schools within the DODDS. If current employees were not available for these positions, costly replacements must be located through the U.S. recruitment program. While we may have replaced one quality educator with another, DODDS would lose its investment in training and the benefit of the unique experiences of these employed community members.

The students in the system deserve full-time teachers who are acquainted with the special problems of the military and civilian dependents for whom the schools are established. Spouses of military and other Federal employees are well-qualified and well-suited to teach in these schools. They are also concerned citizens of the military communities of which these schools are a part. Their children attend these schools, and they care about the quality of education in them in a way that no outsider is likely to care. They are a part of the community we serve and their representation fosters cooperation and understanding within the community and feelings of mutual respect and trust for one another.

DODDS current Spousal Preference Program ensures that the quality of education is not sacrificed or diminished. DODDS preference allows spouses to compete on the basis of quality. Only when two or more applicants are otherwise equally qualified may a selecting official give preference in selection to the dependent spouse. This preference in selection which DODDS affords applies equally to all dependents in the Federal community we serve, whether with Departments of State, Agriculture, or others. Once spouses are appointed, they are treated no differently than any other appointed teacher. They have equal career opportunities. Any attempt to treat spouses of Federal civilian employees as second-class teachers by excluding them from employment would be contrary to the interests of the Department of Defense. We could not support this initiative.

The preferential order of selection in section 2 denies DODDS the opportunity to function effectively and efficiently. We wholeheartedly endorse the voluntary movement of teachers within DODDS. This year, DODDS offered teachers 577 transfers. Comparing this to the 603 educators recruited from the U.S., we are pleased with the success of this year's program. How well an organization functions depends, in great part, on the people it selects to accomplish its mission. The manner in which DODDS fills its positions must remain flexible and dynamic, responding quickly to such considerations as equal employment opportunity and other special program requirements, prevailing applicant supply and demands, and cost.

If required to first fill vacancies with the voluntary transfer of a current teacher, our schools would not be staffed on time to open school. Each time a currently employed teacher is selected, a vacancy is created. This "domino effect" would be unmanageable and place DODDS in the untenable position of always disrupting the educational process.

To the extent that this bill reduces the local hiring of teachers, it would substantially increase the expense of staffing the schools. This would fly in the face of current efforts to reduce the cost of Government operations. Spouses of military and civilian personnel are sent overseas at Government expense whether or not they are employed. If a fully qualified teacher is in Munich or will be in Munich in August, it is not good fiscal practice to pay for an educator recruited in the United States to go to Munich and teach. Spouses also have post exchange and commissary privileges whether or not they are employed. When another group of people is brought in and

given these privileges, there is an additional expense for the Government to provide additional facilities and care.

Each time an additional requirement is placed on our budget there are less dollars available for the classroom. We must remember that our mission is to provide a quality education to our students. When there are cost saving programs available which do not impinge upon the quality of education we provide, we must be able to use them. The local hire program is a one such program.

In summary, a good recruitment program provides managers talented people from a variety of sources. DODDS has a recognizably effective system for filling its vacancies. It identifies pools of talented educators from a variety of sources and provides its managers flexibility in selecting the source or pool from which to draw valuable human resources. The quality of the teaching staff is high. This has been consistently noted by outside agencies who have evaluated the school system. We are not aware of any finding that the quality of the teachers that we recruit overseas differs significantly from those that we recruit in the United States.

The imposition of a minimum qualification requirement of 1 year of teaching experience does not promote the hiring of a quality staff. While successful experience of the type and quality related to the position to be filled is a valuable predictor of successful performance, its not the sole determinant. It is also important to have teachers with special interpersonal skills to work with young children, parents, and community members, and teachers who are able to motivate students. Experience is used by DODDS as one factor among many to predict successful performance. We have seen numerous examples of teachers without prior teaching experience perform very successfully in the overseas school system. In the many years that we have been involved in recruiting and selecting staff, we have never been able to prove conclusively that experience makes the better teacher. In fact, the literature has failed to prove that experience must be a minimum qualification requirement for a teacher. Because there is no one "best system" of teaching, there is no one set of employment criteria. At one time DODDS did require 2 or more years of experience for its teachers. We have learned through experience that such a requirement merely prevented us from employing some excellent educators. The new report, "Effective Teacher Selection: From Recruitment to Retention," A 2-year study funded by the Office of Educational Research and Improvement, pinpoints flaws in teacher selection and suggests improvements. This report suggests two very significant changes: (1) That schools should have the freedom in teacher selection in order to hire those who meet their needs; and (2) that school districts improve the selection process so that good candidates won't drop out because of redtape and timing. The issues of forcing spouses of military and civilian personnel out of employment, requiring cumbersome and costly hiring practices, and imposing non-valid selection criteria present the obstacles that this report urges be avoided.

It is difficult to comment on the question of the overseas allowances. Certainly, we wish that it were not necessary for there to be a difference in the entitlements of teachers. Essentially, those teachers recruited overseas are not entitled to such benefits as a living quarters allowance. The proposed legislation purports to remedy this by granting those teachers recruited overseas the allowances and preventing any future overseas recruitment. As stated previously, we consider overseas applicants a source of talent too valuable to give up. In addition, greater inequity would be created since all other Federal employees recruited overseas, to include support staffs in the DODDS schools, would be denied this relief. Almost all Federal employees overseas including teachers, have their allowances and differentials determined in accordance with standardized regulations issued by the Secretary of State. If that policy is determined inappropriate, we would prefer an equitable solution for all Federal employees rather than the creation of additional disparities.

Section 3 of the proposed legislation provides that teachers who arrive late at their schools because of administrative delays would still be paid from the beginning of the year. This section is unnecessary because the Department has long recognized the need for such employee protection, and it has been a written policy for many years.

Section 6 would allow teachers an additional day of "any purpose" leave. Although this may seem insignificant, and the teachers are deserving of it, it would effectively reduce DODDS productivity by the equivalent of about 50 teacher-years. That would have the same effect as reducing DODDS manpower resources by 50 teachers.

Section 7 would make the position of the Director career reserved within the Senior Executive Service [SES]. As such, it could only be filled by a career appointee. The position is currently designated as general and may be filled by either a career, noncareer, or limited appointee. We consider retention of that flexibility ex-

tremely important in that it allows the administration to place in that position the individual, whether career or not, who would most effectively administer DODDS and represent DODDS within the Department.

Under the Civil Service Reform Act of 1978, which established the SES, the head of each agency is responsible for determining which SES position shall be career-reserved and which general in accordance with regulations issued by the Office of Personnel Management. In our view, the current designation of the Director position as general is consistent with those regulations. We believe that is would be inappropriate to designate by legislation an individual SES position, such as the Director, as either career reserve or general. It is our understanding that no other position has been so designated since the SES was established.

In summary H.R. 3424 would have a negative impact on DODDS quality of education and on the morale of the military and civilians serving abroad.

Accordingly, the Department of Defense urges withdrawal of H.R. 3424 from further consideration.

Mr. FORD. We will open the matter for discussion by way of questions.

Could you highlight for us any objections on behalf of the administration that you have to the legislation or proposed changes in the legislation?

Dr. STREMPLE. Yes, Mr. Chairman. We have some apprehension about the proposal to change the method by which we are selecting overseas dependent personnel. We feel that the approach that we are presently using gives us degrees of freedom that this bill would reduce; that we are able to recruit highly qualified people overseas.

We find no evidence that teachers recruited overseas are of lesser quality than those that we hired in the United States.

The proposal in the bill would make recruitment of teachers more expensive, and, as I said, cut down on our degree of freedom.

We applaud the effort to give us some form of forward funding. We favor that, and we would hope that a provision such as that in some way would work itself through the process.

Mr. Scott, do you have anything to add?

Mr. SCOTT. The only addition I might make is the question of living quarters allowance. Those hired in previous years were not entitled to living quarters allowance. It is certainly a question of money. It would increase the cost of operating the school system.

Mr. MYERS. Would you repeat the last sentence?

Mr. SCOTT. Yes. I pointed out that the question of grandfathering those employees who are not entitled to living quarters allowance and providing living quarters allowance for them would definitely increase the cost of operating the school system.

We estimate that there are approximately 303 employees in that situation, and that the average cost of the living quarters allowance would be $8,000 a year. As you can see, that would be a significant factor for us.

Mr. FORD. Thank you.

Mr. Scott, we had some discussions, and I want to tell you that it sent me back to look at the history of spousal or dependent preference.

I find a part of the misunderstanding that I had arises out of the fact that the Department of Defense had an instruction dated September 18, 1974, which covered the hiring as temporary hires of Department of Defense employees' dependents, whether they were military of non-military. But in 1986, the Department of Defense

Authorization Act of November 8, 1985, an act of another committee, changed the law.

So in 1986, on August 13, another DOD Instruction went out, and it made it very clear that the exception for local hiring applied only to the spouses of military personnel. We found that that does not seem to have reached the people in the field yet.

What is your understanding of the present status?

Mr. SCOTT. There is some question as to whether or not the Appropriations Act of 1985 provision does apply to the excepted service, and this is something that is being currently discussed within the Department of Defense.

The school teachers are still being hired under a DOD regulation of 1976, DoD 1400.13, which provides a slightly different type of preference. Since the dependents' school services the whole community, and I say by that not only the uniformed services, but Department of State, Department of Agriculture and so forth overseas, the preference that we give is not just to the uniformed military, but to employees of all of the federal agencies.

However, the preference is not the absolute preference that is applied in other agencies of Defense. The preference is only given when choosing among equally qualified people. If you have equally qualified teachers, we then are allowed to lean in the direction of the dependent.

Mr. FORD. Where does the authority for the dependent of anyone other than the uniformed military personnel come from?

Mr. SCOTT. It is difficult to answer that question. Much of it happened before my time. I am aware though that Defense started considering dependent preference in the late 1960's, and I believe in 1972, they issued the first guide which applied to both uniformed and civilian dependents of the Department of Defense.

Our 1976 guidance, which applies to the dependents' schools, was based upon that DoD interpretation.

Mr. FORD. What I am looking at is not an appropriations bill, which would have had a one-year life, but permanent law that was in the Military Authorizations of 1985. The provisions that I am looking at were placed in that Act by the subcommittee chair, as a matter of fact, one who chairs a subcommittee on this committee that has jurisdiction on this bill, Ms. Schroeder.

Her specific language in the Act is set forth in this Department of Defense instruction that went out presumably from your office or through your office to the people in the field.

It says, "One. That the President shall order such measures as are presently considered necessary to increase employment opportunities for spouses of members of the Armed Forces. Such measures may include: First. Accepting pursuant to Section 3302 of Title V, United States Codes," which is the competitive service in Civil Service, "from the competitive service positions in the Department of Defense located outside of the United States to provide employment opportunities for qualified spouses of members of the Armed Forces in the same geographical area as the permanent duty station of the members," meaning that the military spouse has to be with the military person.

That is identical to what we are providing in this legislation, and there has been a good deal of concern expressed over us using this

language because some people think it is new. However, it has been the law since 1985 when the Congress agreed and this President agreed with the Armed Services Committee's amendment providing military spouse preference.

It goes on to provide further for the hiring of positions in nonappropriated fund activities, a practice that has existed for a long period of time, but was unevenly applied in various parts of the country, saying that again a spouse who was accompanying or was residing with a member of the uniformed military could have these waiver granted for hiring.

Then the statute specifies that "the Secretary of Defense shall prescribe regulations to implement such measures as the President orders under subsection (a), and to provide preference hiring to qualified spouses of military of the Armed Forces in hiring for any position in the Department of Defense above grade GS-7, or its equivalent, if the spouse is among persons determined to be best qualified for the position, and if the position is located in the same geographical area as the permanent duty station of the member."

So you have three kinds of preferences here, but all of them are specifically granted to a spouse while accompanying the person on active duty in the military. That is not the way the school system is operating or has been operating for some time because hiring preference is provided the spouse of any employee of the Defense Department, military or civilian.

Are you aware of any law, rule, regulation or anything else that leads us to that conclusion by the people out there in the field?

Dr. STREMPLE. I am new. So please excuse me. I am somewhat confused, Mr. Chairman. Here is the way I see it operating now.

We choose a local hire if they are equally qualified to that of a person in the United States. If they have the same qualifications, then we will choose the local person. I have no understanding that any law precludes that, and we would choose that person out of common sense. They are there, and it costs us less.

So I am not understanding your point.

Mr. FORD. The law that precludes it is called the Civil Service Act. The Civil Service Act does not permit managers in the Federal Government to hire whomever they want wherever they are found and under whatever conditions the managers want to apply. It is very specific about the power of hiring, who can hire and under what circumstances.

So you start out with a Civil Service Act that said you would hire teachers according to specifications drawn by the Department of Defense Overseas Schools System here in the United States and send them wherever you need them around the world.

Beyond that came the practical question of what happens when it is time to start school in the fall, and you find that for whatever reason, teachers did not show up, teachers became ill, somebody miscalculated the number of students, and you have three or four vacancies at a given school.

So, exceptions to the law were made to permit the temporary hiring of a teacher. The exception that generally applies to all managers in the Federal Government is that they can hire people who are called NTEs. That term means "not to exceed" working beyond a given number of days.

Now, specifically, we have given some agencies from time to time the authority to go beyond 90 days. The Department of Defense Overseas Schools were, way back in the 1960's, given specific authorization to hire an NTE for a whole school year, the rational explanation for that being that you would not hire a teacher in September and have the vacancy occur again by Christmas time.

Now, that is the legal basis for an exception to the otherwise prohibited practice of "local hire." A local manager here of any Defense Department establishment cannot simply hire people. He has to look to the Civil Service register.

Now, we have made these teachers partially exempt from the register with a number of actions, 1959, 1966, and of course, now the 1985 change in the Act, which really codified what had sort of grown into a practice through appropriations bills.

Prior to 1985, it was the habit for a number of years for the Senate committee to add to the annual appropriation bill this exemption, and then finally in 1985 it was made permanent law. So the practice did not come into being in 1985. It had been there a long time.

Now, the thing that we have bumped into is that the practice has spread itself out so that people in the field now believe that they have the authority, because they are calling them temporary hires, to hire spouses of other government employees and to hire former spouses in some instances, and what have you.

That is how we happened to end up with about 300 to 400 people, depending on whose numbers you use, who have been placed in a kind of limbo because they have been permitted to come back aboard as temporary hires year after year. Sometimes they have accumulated a number of years of experience on the job without ever having been made a full employee.

Now along came some practice that grew up some place out there, and again we would welcome anything you can give us from your Department to show us where it comes from, of converting these people after 1 year as a temporary hire. We do not know how you are doing that. We do not know why somebody, if they wanted to do that, did not come to the Congress and say, "Change the Civil Service law so we can convert these people."

Now, what we are doing is trying to cut through all of those mistakes and say: there are people who, presumably, through no fault of their own, have been permitted by managers in the Defense Department to get into this position, and those people ought to be under a grandfather approach protected by being converted, if you will, into full employees with benefits.

The price that we are asking of your Department for that is that you quit doing it in the future and that you go by the book in the future. If you want to change the way you hire teachers, come to us, and if it makes sense, Congress will change it.

Now, that is in its simplest terms the kind of trade-off that is involved in the bill.

If we were to simply lock these people in and did nothing further than that, my expectation is that five years from now my successor, presumably, as chairman of this committee will be asked to take care of grandfathering five more years of accumulated people who came into the system through the back door.

Now, we would not for a minute entertain legislation here that let the Post Office or anybody else bypass Civil Service. We would not let the local Postmaster hire his friends and relatives and spouse, and then say, "Well, gee, we will lock them in and forget that you had a register of hundreds of people who wanted that job that you were supposed to give it to."

For good or bad, the Federal Government, unlike other employers, cannot, at the whim of any manager, just go out and hire people. There is a procedure, albeit cumbersome, but nevertheless, it has a purpose.

The public service purpose of the whole Civil Service Act was to eliminate any kind of patronage at any level of the federal service, and to give us a professional civilian service in the government, and that is supposed to apply whether you put him in the State Department or the Department of Agriculture or Education or Defense.

Now, we are not trying to pick on your agency with this, but we are finding that one of the causes of criticism of the bill is that they think we are inventing newly some sort of a restriction on the spouses out there, but there never has been a legal right to be exercised by a lot of these people. Even some of the people we are going to be grandfathering in have clearly come through the back door with no legal authority for their being in the position where they are.

We are simply saying this probably was the government's fault, not the individual's fault. So if this is to be straightened out, we will not blame those people for being in that position.

I take it that it would really be unfair to ask you or the Director of Personnel to comment on whether you want to extend this beyond the extent that the law has taken it now for spouses of the uniformed military, and so I will not ask you that. But it is a question that I hope you will mull over because I am sure you will have people making a run on you after today, and I know very well I will have people making a run on me.

I fully expect it because I am already getting the communications from all kinds of groups that want this treatment.

Now, I do not want to take any more time, but I do want to make one statement for the record. The whole idea in the beginning of this spousal preference for the military spouse had nothing to do with improving the quality of education in the DoD schools. It was hatched, if you will, on the Senate side because there were people over there who thought you would save money for the Army, Navy and Air Force if you hired local people instead of shipping them over there and giving them benefits.

Then there were other people who said, "Look. One of our problems is in retaining noncoms and young officers, and if we can give their wives a job where they are stationed, they will be encouraged to take overseas assignments and keep overseas assignments and stay with us in spite of the inconvenience of a job that once in a while sends you out of the country."

So all of it was designed to help the Defense Department carry out its principal mission of a happy uniformed service. None of it came about because school people thought this was a good place to get teachers.

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That has got stood on its head now, and I hope that we can keep that in front of us when we talk to the other groups that want similar treatment; that it was not something that was extended as a needed support for the schools, but as a fringe benefit, if you will—and I do not mean to be unkind in using that term—for serving in the uniformed services overseas.

There is an article in today's "Post" that indicates that there is a great deal more agitation for that to be done with other agencies of the government, and maybe some day that will be the case. But I hope as we go along this is not directed at you, the witnesses, and that people will keep in mind that we are not trying to rewrite the Bible here. We are trying to get back to where we were with the law and then take care of any problems that were created by—I do not like to use the term "extra legal"—but certainly unauthorized activities by school managers, none of which you were directly responsible for because I understand that you are very new at this and had no part in it.

I strongly suspect that very little of it came about as a result of what happened out of the central office over here because out in the field, these regulations sort of grow on trees and under cabbage leaves, to suit the circumstances of a particular place and time that will make somebody's friend happy.

Dr. STREMPLE. May I respond?

Mr. FORD. Surely.

Dr. STREMPLE. I have a concern because of the connotation of your remarks as it relates to quality. I think that the people in the field tell me that we are able to find among military spouses fine teachers and that they have certain insights and understanding about military life that teachers from the United States may not have; that, as a matter of fact, the hiring of these people has been an enhancement of the health of the school system.

So I do not know what the original intent was, but the result, according to the people I have talked to, and I think I was just in approximately 100 classrooms, and I saw good teaching going on, and I am sure that I came across people who are local hires.

So with all due respect, Mr. Chairman, I do not think that the hiring of military spouses has in any way deprecated the quality of teaching in the DODDS Schools.

Mr. FORD. Well, let me make it clear that if that sounded like what I was saying, it certainly was not what I intended. I am merely talking about the basis upon which the special exception was made and not what the ultimate result has been.

I think you will find some people who will say that they can give you all kinds of examples of good teachers who come into the system this way. On the other side, you will find people who, whether accurately or not, have a resentment about what they consider to be a shortcut that somebody else has taken, and will suggest that they are not as good as the other teachers.

But that is not what we are trying to settle here. You or your successor ultimately will be deciding what kind of person should teach, not the Congress, and we do not want to get into telling you what their qualifications ought to be or anything of the kind.

Mr. Myers.

Mr. MYERS. Thank you, Mr. Chairman.

Dr. Stremple, and maybe Mr. Scott will have to answer this, in the DoD Dependents' Schools, what percentage of those students are from miliary personnel families?

Dr. STREMPLE. Students?

Mr. MYERS. Students. I am sorry. Don't you have any figures on that?

You do accept students from State Department and from civilians working overseas, do you not?

Dr. STREMPLE. We do, but my understanding is that it is minimal, and I would say that a vast majority, approaching 90 percent, are miliary students.

Mr. MYERS. I have not visited very many military schools overseas. My wife has. Having been a former teacher, I guess I should ask her that question because she visits the schools more often than I do when we happen to be overseas, but that is one of her interests, and it is certainly one of my concerns. I am usually concerned and have to work at something else.

If you can, for the record, Mr. Chairman, I would like to find out if you do have any—well, if you do not have any statistics, there is no use in me asking the question. So I can find out elsewhere.

Dr. STREMPLE. We can get that.

Mr. FORD. I think I can help you a little bit. The non-Defense Department dependent is admitted to a DOD school on a space available, tuition paid basis.

Mr. MYERS. Tuition paid, I knew that, yes.

Mr. FORD. Now, the DOD schools are only in about 22 or 23 countries, are they not?

Dr. STREMPLE. Twenty-one, I think.

Mr. FORD. We have a parallel system of American international schools that the State Department supports, with approximately 150 schools in 95 countries. So, the military personnel, for example, serving as a part of our mission at the Kremlin, send their kids to school two blocks from the Kremlin, at an American international school, and the Defense Department pays their tuition.

I would suspect for every one of the other governmental children that we get, we probably have a Defense Department child in one of the schools where we do not have a military presence, and in some cases—I guess it is okay to talk about Vietnam now—we had some 3,500 people in Bangkok at an American international school, and 90 percent of them were Defense Department dependents, but the Thais, if you recall, were officially neutral and did not want to admit we had that much military. So we had to call them civilian kids. So they went, and the Defense Department paid tuition to the international school in Bangkok.

But other than those kind of peculiar things that were done for different reasons, mostly wherever there is a DOD school, they have to go to the DOD school even if they have to travel and stay in a dormitory, and that is more restrictive actually than the way we treat the State Department dependents.

Mr. MYERS. Well, how many schools do you operate overseas, Dr. Stremple?

Dr. STREMPLE. Two hundred seventy.

Mr. MYERS. I did not think that you turned down students in any school, even space available. I thought if a U.S. citizen was overseas—you do turn them down and do not accept students?

Dr. STREMPLE. Yes.

Mr. MYERS. That concerns me.

Dr. Stremple, you said that you had no problem with recruitment. How about retention?

Dr. STREMPLE. I do not know what our turnover rate is, but I do not think it is high.

Mr. SCOTT. We do not have any difficulty with retention.

Mr. MYERS. What is the average tenure for a teacher.

Mr. SCOTT. Well, that is difficult.

Mr. MYERS. It should not be difficult. It is statistical.

Mr. SCOTT. Yes, but we have many people who have stayed to retirement. So we have many people who have stayed for 20 or 30 years. We do not have the situation that we used to have many years ago, and the chairman will certainly remember this, when we had to hire thousands and thousands of people every single year. In many cases, people would stay only one year. They were on sabbaticals from public school systems in the United States.

It is now a career position with the Federal Government.

Mr. MYERS. You are concerned about pay. The school year starts in September, and our appropriations do not start until, hopefully, October 1. They did not this year and probably will not in the future, and that is not anything peculiar to education. We find that throughout the Federal Government. We have the same kind of problems contracting.

But are your DOD school teachers paid on a 12-month basis?

Mr. SCOTT. No, they are paid on a school-year basis. The beginning of the school year for pay purposes is 1 August of every year.

Mr. MYERS. Then they are paid 9 monthly checks?

Mr. SCOTT. Yes. They are biweekly checks, but they are paid on a 9 or 10-month basis.

Mr. MYERS. The priority in hiring practices concerns me. I disagree with the chairman. I think we ought to invert his priorities. It seems to me like the locals, including State Department dependents, should be considered first overseas. I disagree with him on this basis here, and maybe we can work that out in the future.

It seems to me if they are qualified, they ought to be the first considered, and transfers, too, of course, but I would consider them equal if I were writing the bill, but I did not write the bill.

I would make the others, the CONUS, but that is my priority, and I share your concern about this. I think it makes a lot of sense to hire a dependent who is part of a family already situated there, as far as costs are concerned. If it is a qualified teacher, we ought to be concerned about the cost.

We are working across the street right now trying to figure out ways to cut down spending, and we have got to do it. Everyone agrees that we have got to do that. So I think we have to give some consideration to this, and I thank you for your testimony.

Thank you very much.

Mr. FORD. Without objection, this fact sheet from the Department of Defense publication will be made part of the record. It shows a breakdown on Atlantic, Germany, Mediterranean, Panama

and the Pacific areas. It shows for September 30, 1986, 150,999 military dependents; 1,956 tuition-fee students; total students, 152,955.

Would that be up or down now for the current year?

Dr. STREMPLE. I do not know.

Mr. FORD. That is almost 153,000 in 269 schools in 1986. You said you have 270 now.

Dr. STREMPLE. We have 270.

Mr. FORD. Is your population going up or down?

Dr. STREMPLE. It went up this year about 500 students, as I recall.

Mr. FORD. Thank you.

The gentleman from New York.

Mr. ACKERMAN. You have left me kind of confused. Maybe you can clarify a point for me.

Mr. Scott, you stated before, in response to a question about recruitment, that preference takes place only if the potential recruits are equally qualified. Is that what I understood you to say?

Mr. SCOTT. I should point out that we establish qualification standards for every position within our system, and these standards are equal to or higher than those of the North Central Association of Schools.

So consequently, when we want to fill a position, whether it is from the United States or overseas, we apply those standards. Now, if overseas we have four candidates and two of them are dependents and two of them are tourists, our requirement first of all is that they meet the standards, and then we determine who is the best qualified.

If we have two people who are equally qualified, and they are what we consider the best qualified, then we will select the dependent.

Mr. ACKERMAN. The confusion comes from what you have told me and a fact sheet handed out by the Department while our group was checking out some of the schools. This, I believe, was handed out by the Defense Department in Frankfurt, and it is a fact sheet which says that "spouses are always considered before recruitment in the United States is initiated."

I do not understand that. The fact sheet of how they actually do it is completely different than what you have just told us.

Mr. SCOTT. Not being aware of the fact sheet, I cannot talk about the source, but the actual practice is that we consider local, available people first. It is not the dependent per se.

Mr. ACKERMAN. I will quote another sentence that is in the fact sheet that your Department handed out to us explaining how they do it, and this is a direct quote.

The sentence reads: "Our preference insures that family members are considered first."

Your testimony is completely the opposite of what they are doing, and it leaves me truly confused as to what the policy is. You are telling us what the policy is, and they are telling us what they are doing.

Are they not following the policy, or do you misunderstand it or am I not understanding either you or what I am reading?

Mr. SCOTT. I must agree that the fact sheet is not in compliance with our policy.

Mr. ACKERMAN. We did not visit all of the schools or all of the countries, I should say. But is Germany out of step with the entire Defense Department, or do all schools have the same fact sheet or what is the policy?

Mr. SCOTT. I have not seen the fact sheet, sir.

Mr. ACKERMAN. Is there a different policy in each country?

Mr. SCOTT. We attempt to have the same policies worldwide.

Mr. ACKERMAN. I do not know. Maybe you could get this clarified for the committee.

Mr. Chairman, could we find out on a country-by-country basis, being that we have a fact sheet from West Germany telling us the complete opposite of what we are told the practice is?

Which is the policy? Is the policy what is in effect, or is the policy what Congress is hearing?

Mr. SCOTT. I would be pleased to verify that for you, sir.

Dr. STREMPLE. We would like to see the fact sheet. I have not seen that.

Mr. ACKERMAN. At what point do you turn to CONUS hires?

Mr. SCOTT. We start recruitment approximately 18 months in advance of a school year. So if we are talking about recruitment for the 1986-87 school year, which begans on 1 August of 1986, we began about a year and a half prior to that.

We initially—and I am talking about January or February of 1986, for example—start filling positions with currently employed individuals, through what we call our transfer program. So the initial consideration is given to the people currently employed.

Around April 15, we finish with the transfer program, and we try to fill the positions with locally available people. Those positions which were not filled by the transfer program or by locally available applicants are then filled through our CONUS recruitment program.

So it can be any time after the 15th of April.

Mr. ACKERMAN. Say that again. Any position that is not filled first by local hires is then filled by the CONUS applicants?

Mr. SCOTT. Any position that is not filled, first of all, by transferring current employees or by locally available applicants is then filled through the CONUS recruitment program.

Mr. ACKERMAN. You leave me baffled once again. Before, you stated that if the applicants were equal, then you would apply some type of preference. Presumably, you would come down on the side of economics in hiring the local hires because they happened to be living with military personnel, and you save some money that way.

But if you are telling me that you do not turn to fill positions until the local hires are hired, then you are contradicting what you said before. I just do not understand that.

Mr. SCOTT. Perhaps I should restate it. In considering locally available people, which consist of dependents as well as non-dependents, we give first preference to the dependents. However, we try to fill as many positions as possible with either current employees or people who are available overseas.

Mr. ACKERMAN. And only then, after that process, do you turn to the CONUS possibilities?

Mr. SCOTT. The CONUS recruitment program is an additional recruitment source.

Mr. ACKERMAN. So if you had a person—and I think this is the crux of this, Mr. Chairman—if you had a person who was a CONUS recruitment, that person would not be considered until there was a vacancy or vacancies after being filled first by the local hires?

Mr. SCOTT. That is correct, sir.

Mr. ACKERMAN. Now, that is completely opposite from what you started out saying before. You said that if they were equal, then you would be able to choose, and choose the best qualified.

What you are telling us now is that it is very possible that there are CONUS people who are more qualified than local hires, whether they be spouses or tourists.

Mr. SCOTT. That is definitely true. There is no question about that.

Mr. ACKERMAN. You are not hiring the best qualified teachers?

Mr. SCOTT. It is common procedure within the federal service to expand your area of consideration in your recruitment process. You start initially with a smaller area if you believe that you can fill your position from within that.

Mr. ACKERMAN. So the fact sheet we got in West Germany is accurate, and the policy that you described is not. In other words, you pick the local hires first, without regard to whether or not they are more qualified than the potential universe that you have to draw from in people who are citizens of the United States who want to teach children overseas. Is that accurate?

Mr. SCOTT. We consider all locally available people before we expand our area of consideration to the United States.

Mr. ACKERMAN. So let me just understand that and state it my way. Tell me if I am right or wrong.

You have a group of possible teachers who are CONUS hires recruited from the States, who are super qualified, and you have local hires who are basically adequate. You will fill all of those positions, teaching the children of American citizens serving overseas, with teachers who are barely adequate rather than hiring super qualified teachers because the Department is too cheap to pay their living expenses.

Mr. SCOTT. We do not consider that our qualification standards requirement produces a merely adequate teacher. We think that it produces a teacher equal to or better than those of the North Central Association.

Mr. ACKERMAN. But you are not willing to compare them and put them on equal footing. You are willing to hire the local hires first and only look at the qualifications of the others once those positions remain vacant.

Mr. SCOTT. That is correct.

Mr. ACKERMAN. So our children, in effect, are being shortchanged from having the best qualified teachers. You are not willing to take a look at the qualifications unless you have a vacancy, and the position goes begging.

Mr. SCOTT. If, indeed, there were a great difference between those that we have hired in the United States and those that we have hired overseas.

Mr. ACKERMAN. But you do not know that if you have not taken a look at the CONUS potential.

Mr. SCOTT. We have hired people from both areas, and we have a performance based evaluation system, which indicates to us that there is no significant difference between those people who are married to the military and those who are not.

Mr. ACKERMAN. If your evaluation kicks in only after you have hired those people that remain in the CONUS bank, I would think that possibly the best qualified people would be demoralized by such a process and would drop out of that bank and seek positions elsewhere. You would be possibly facing CONUS recruits who were not the best of the original group of CONUS recruits that you had.

I do not understand why you are not taking a look at the qualifications of all of the teachers and picking the best for our children. Can you explain that?

Mr. SCOTT. We have an applicant supply file of over 6,000 CONUS applicants. So it is not a question of people dropping out. We do have them available.

As I said before, we do not see the difference between the quality of the people hired overseas and those hired in the United States.

Mr. ACKERMAN. You do not see the difference?

Mr. SCOTT. We have not seen any to date.

Mr. ACKERMAN. You have not looked at the CONUS hires by your testimony here until you have hired all of the local recruits. I find it difficult to understand.

This is completely different than the answers we had at the beginning, where you said that the fact sheet is in error, and now you are telling me that it is absolutely accurate and that really is the way you are doing it.

Mr. Chairman, I do not know if I am more confused or amazed, but I have heard both sides of the same problem. I do not know what our policy is any more, except that what we are hearing now is that the CONUS hires are not even looked at until all positions are filled, and that, in fact, is the policy. Qualifications are not taken into account unless the position goes begging. Then they look at CONUS hires.

Dr. STREMPLE. That is true.

I need to apologize to the committee because I understood it differently. I am new on the job, and I do extend my apologize. However——

Mr. ACKERMAN. Well, do not apologize. I think most of us would have thought that your interpretation was what was going on, and I think that we should apologize, at least I do, for not fully understanding what the policy is and being on top of this sooner.

I think it is embarrassing to know that American children are being shortchanged.

Dr. STREMPLE. Well, I take exception to that, sir. I do not think that they are being shortchanged, with all due respect.

You are talking about a moment of recruitment in a time span that has gone on for a number of years, and when you look at the quality of these schools—and I have been in schools for over 30 years, and I have looked at them, admittedly, somewhat superficially, but I have been into I would say approximately 100 classrooms—they are well ordered, well run schools, and there is qual-

ity teaching going on. I can tell you that it is high quality stuff, and it is well organized.

So somebody has done a good job in recruiting these people. So it is over a long period of time that the attitudes that prevail in Mr. Scott's mind and others' regarding quality is substantiated by the evidence of, as I say, a well ordered school system.

When we look at the test results of the children from this system——

Mr. ACKERMAN. Let me clarify a point.

Dr. STREMPLE. If I can finish.

Mr. ACKERMAN. I am not taking issue with the fact that quality education is taking place and these children are getting a good education. What I am saying is that the possibility exists, and you have precluded that from happening, that the quality can be even better; that good educators can be possibly replaced with excellent educators. Educators in a system that is well ordered and functioning in an organized fashion can even be better if you take a look at it.

You know, if you give it a nine and a half, I do not know why you are not shooting for a 10.

Dr. STREMPLE. There is no question it is a closed system in that regard.

Mr. ACKERMAN. Yes. I think that is the answer. It is a closed system, and that is what this committee was trying to determine, and I guess that is one of the policy decisions that the chairman's legislation seeks to remedy.

Thank you very much.

Mr. FORD. Mr. Henry.

Mr. HENRY. Thank you, Mr. Chairman.

I note that Dr. Stremple, in summarizing his reaction to this proposal, says that H.R. 3424 would have a negative impact on DODDS quality of education and on the morale of the military and civilians serving abroad.

I would like to get to some of the background on this. I think some very substantial educational questions have been raised and maybe we ought to pursue them.

The chairman, I think, is probably correct in pointing out the origins of this spousal employment provision were not generated by educational theory or what makes for good education, but by factors such as morale within the military, and came from outside of educational committees and of the educational community, and I think he is correct in that.

It seems to me that what you are suggesting to us in your testimony is that nonetheless, even though that was not the origin, it has had a very beneficial educational effect.

For one thing, it has had tremendous cost savings implications. It has also allowed you to choose between candidates in a way in which before you could not.

It has allowed for local interviewing and assessment of candidates. I want to come back to these a little bit because it seems to me they are tremendously important in assessing what is going on in your schools.

Let me ask, first of all, are there any objective or external measures, or performance tests that suggest that student proficiency in

your military school system is somehow deficient relative to the school systems at home or do you rank well or above?

Dr. STREMPLE. The opposite is true. They are ranked significantly above.

Mr. HENRY. So we should make clear for the record that in terms of objective testing, the current system is referencing above the situation in the U.S.

First, let me simply say in reference to the gentleman, Mr. Ackerman, having been on a local school board, I know that in many cases it is not until late in spring, even early summer, going into the fall that you really know what your enrollment is and what teachers you are in need of relative to staff transfer, et cetera.

So basically the present statute says that, all other things being equal, you would hire the spousal local, all other things being equal, but de facto what happens because of the practical way in which it happens, you are in the process of or, quite frankly, it is administratively easier to recruit locally in terms of both time framework and it allows you an employment interview situation.

Dr. Stremple, let me ask you: in your long and distinguished career in education, at some point were you ever a superintendent of a local school system?

Dr. STREMPLE. I am currently a superintendent of a local school system. I am on loan to the Department of Defense schools.

Mr. HENRY. I did not realize that. What school system is that?

Dr. STREMPLE. Fresno, California. It is a school district of 68,000 students.

Mr. HENRY. When you hire in your Fresno school system, do you normally hire without on-site interviews of the candidates?

Dr. STREMPLE. We do.

Mr. HENRY. You do?

Dr. STREMPLE. Absolutely.

Mr. HENRY. So that would not be a shift. I was kind of assuming the other way around. I know that in our Grand Rapids school system always before a hire we had an on-site interview, but you do not believe on-site interviews then are particularly advantageous?

Dr. STREMPLE. No, we do. We do have on-site interviews in our system. A person must go to the school and interview for the position.

Mr. HENRY. Now, with the CONUS system, are you allowed on-site interviews or do you take what is sent to you from a list?

Dr. STREMPLE. You take what is sent to you from the list.

Mr. SCOTT. Well, not quite. What we do is we bring in principals from the overseas area, and their senior principals, and they go out and do the interviews.

Mr. HENRY. But in terms of local superintendents, local building principals, local oversight, you take what is sent.

Have there been any inquiries in terms of staff turnover or instability in your teaching force since we have had this new policy in effect?

Dr. STREMPLE. I cannot answer that. Maybe Mr. Scott can.

There is an assertion, and I do not know the fact of the matter, that we do suffer from transfer problems of military personnel mid-

year, and as I say, I do not know the accuracy of that concern, but it is there, and I intend to investigate it.

Mr. HENRY. Obviously you suffer from transfer problems. I am wondering though whether there is a net difference in, let's say, now as opposed to ten years ago.

Mr. SCOTT. The policy is actually older than that, and I think it predates both of us. So it would be difficult for us to discuss that.

There is one thing. I do not think that we deny there is more turnover with dependents. However, we get them back again, and that is something people do not often realize. We may have that person back four or five times during their career. So that turnover we do not consider to be as significant as an actual loss.

Mr. HENRY. Someone could be teaching in one of the English schools and subsequent to that the family has been reassigned to Frankfurt, and so they are staying within the system.

Mr. SCOTT. That is correct.

Mr. HENRY. I did not realize this policy was more than ten years old. So this is not a new policy that suddenly is creating problems.

Mr. SCOTT. It has grown through the years. I guess that would be the proper way to put it.

Mr. HENRY. I am cognizant of the fact, having visited my local press in Grand Rapids just yesterday, that they had a lead editorial on cutting waste in Defense Department spending, and Representative Armey from Texas has a bill which would facilitate closures of unneeded bases.

We all know that they exist, as long as they are not in our own districts.

I think, once again, the origins of this were not educational, but apparently there have been educational benefits to this practice. The origins were not meant to be cost savings, particularly. They were meant to be morale building.

Yet I note that OMB indicates significant cost savings under the existing program and points out that over a five-year period, if we were now to phase back to the previous system, it would have additional costs of some $25 million a year to the system in the Defense Department budget.

It seems to me somewhat ironic that some of the people, expressing the greatest concern, are also the ones most strongly identified with cutting wasteful Defense spending.

Where would that $25 million come from? We know we are under a period of fiscal constraint. We are having top level negotiations between the bipartisan leadership and the White House right now, which may, in fact, give us budgetary cuts, or freezes, somewhat different than the Gramm-Rudman 9.6 percent or 10.6 percent on the acquisition side in the military and 8.6 elsewhere.

But let's presume this budget line is held constant. Where is that $25 million going to come from?

Dr. STREMPLE. Well, the first thing we would do would be to ask the Congress for it, to be honest with you, but if it was held constant, we would have a very difficult time bringing our costs down in that magnitude. It would probably preclude asbestos abatement programs and this kind of thing.

Mr. HENRY. What is the total size of your budget line?

Dr. STREMPLE. It approaches $800 million.

Mr. HENRY. So we would be adding basically about $25 million a year on an $800 million base line?

Dr. STREMPLE. Right.

Mr. HENRY. When I asked the question about measurable student proficiency, you responded that it is above the national norm. In the last several years, has there been any decline which has paralleled the national norm, and yet you have stayed ahead of that national norm, or has it held steady?

Dr. STREMPLE. I looked at those statistics when I first came on three months ago, and as I recall, there have not been significant changes. There have been ups and downs in the dependents' school system, but I think they have held pretty steady over the years.

There was a slight decline in one section of the SAT this year. I think it was writing.

Mr. HENRY. In reference to Mr. Ackerman's comments, it seems to me that if we are going to address the issue as he, I think, would like to see it addressed, and I am not sure that is the way I would like to see it addressed, I think your opening words in terms of the need for pre-funding on a one-year basis would be absolutely critical to allow that to occur. I simply have to say from that a local school administrator's perspective, it seems to me that it is going to be impossible to use that kind of system, or at least be extremely difficult and chaotic on that local school administrator if, in fact, there is not some forward funding to give stability and predictability.

I might simply mention that to the chairman, that if he is intent in pursuing this, then it is going to be critical that you have that.

Mr. FORD. The bill provides forward funding similar to the forward funding that takes place with all of the other elementary and secondary programs.

Mr. HENRY. I thank the chairman.

Mr. FORD. Mr. Biaggi.

Mr. BIAGGI. I have no questions, Your Honor. In listening to the responses to the queries put forth, and knowing a little bit about the background of this whole operation, it seems to me that there has been a whole design to benefit the dependents of the military folks and other locals, where we initially started with providing eligibility for locals in the case of emergency. Now we are up to 40 percent.

Clearly, what you are talking about is an established system to give preference, and I have no problem with it, but I think the provisions of this legislation which would require those locals to be eligible or salutary should be on the same basis as those that we would hire from here.

When we talked about expense, we are not talking about very, very much, and if they are going to be employed, they should be employed on an equal basis with all of the benefits.

Thank you, Mr. Chairman.

Mr. FORD. Mr. Goodling.

Mr. GOODLING. No questions, Mr. Chairman. Just a couple of comments. I am not sure what questions I will have.

I am sorry I was late, but there was not much I could do about it since I did not have an airplane to go over the traffic.

I happened to spend 17 of the 20-some years in the school business going through that August nightmare. I always reported very favorable comments at the July board meeting. "Everything is in order. The teachers are all hired. We know how many students we are going to have". Then, I would find out in August husbands were transferred, wives were transferred, or other school districts would rob teachers at the last minute.

So it meant that in one week's time, sometimes in two days' time, I had to try to find teachers to fill classrooms.

I would imagine that your situation is somewhat similar, maybe even worse, because at least in my area the number of students remained rather constant. I did not have a Dade County, Florida or something of that nature.

I want to make sure that we do not do anything that would make it almost impossible for you to open school with certified teachers, even if some might not be overly qualified.

It would appear to me that we might be closing the system even more. For instance, let's say these openings occurred on the 15th of August. You might have five. I would assume then that CONUS would send you those five teachers without very much input on the part of the local administrator.

But even worse than that, I would assume, for instance, if I am teaching in Iceland and there is an opening in West Germany. I would imagine until I got through the system, I would not get that teacher perhaps for four or five weeks. School is already open now, and I still do not have the teacher.

I would assume somebody then would have to be transferred from somewhere to that school in Iceland. So they may be ten weeks without a teacher.

I want to make sure that we do not do anything that would restrict a local administrator's opportunity to do that for which he or she is responsible, to have the best teacher possible in that classroom immediately, when school opens, not 42 substitutes in the meantime while we wait until we get somebody.

I was interested in the statement made that the way the system is presently working, your test results would indicate that you are doing better than we are doing back here in the United States.

To what do you attribute that?

Dr. STREMPLE. Well, to be honest with you, sir, it is a subset of children. They come from families where at least there is high school education and beyond, and there are not the circumstances you might find in many of our large cities, and so on, where the people may not be as well educated. So you have a subset of population. I think that is part of it.

I sense an interest in high standards that is fascinating to watch and to pay attention to. There is a drive in the system that I admire, and the expectations are high. I think that attributes to that.

Mr. GOODLING. We back here have the problem of a shortage of qualified teachers. Are you facing the same in DoD schools or because you have all of these spouses, you are not suffering as we may be back here?

Dr. STREMPLE. We do not have a supply problem. Occasionally, I suppose, in advanced mathematics or science and so on, we may have difficulty, but on balance, no, it is not a significant problem.

Mr. GOODLING. If you were to change the system as it presently works in any way, what is it you would do?

Maybe it is unfair to ask you that question since you are relatively new.

Dr. STREMPLE. In the context of this legislation or——

Mr. GOODLING. If you were writing legislation, one, would you write legislation and, two, if you were, what would you do?

Dr. STREMPLE. I would burn legislation. No, I am kidding.

But I am not in a position to comment on that question beyond these regulations because I have made no real final judgments. I have only been around three months, and school has been going since September.

Mr. GOODLING. Mr. Scott.

Mr. SCOTT. It is very difficult for us to comment further than, of course, we already have. There are some things that we believe in personally, such as the fact that pay and benefits should be equitable. I think there is no question about that. But the question is: can we afford to do it? And that has been our real problem.

Mr. GOODLING. I have no other questions, Mr. Chairman.

[The statement and letter submitted by Mr. Goodling follows:]

STATEMENT OF HON. WILLIAM F. GOODLING OF PENNSYLVANIA BEFORE THE COMMITTEES ON EDUCATION AND LABOR, AND POST OFFICE AND CIVIL SERVICE—H.R. 3424, THE OVERSEAS TEACHERS ACT, OCTOBER 27, 1987

Mr. Chairman, I wish to commend you for proposing legislative changes to the current system for hiring teachers in the Department of Defense Dependent Schools (DODDS). I share your desire to help improve the system for hiring teachers in the DODDS. Your proposal attempts to alleviate the perennial problem of DODDS teachers being hired in two different ways which impact on future employment and benefits within that system. I agree that we should try to create an equitable system which puts these two groups on a level playing field.

I look forward to hearing the testimony to be presented today. I understand there are some concerns about priorities which would be in place should the legislation be enacted as written. The morale of the teachers is always an overriding concern of administrators and this legislation should correct some of the morale problems created by the past dual system; however, I hope that we can create a system which rectifies the past inequities without creating new ones.

Furthermore, the current system allows for little flexibility and choices for hiring teachers by the local administrators. I am hopeful that we can incorporate more flexibility for these principals in choosing from a large pool of teachers. I feel confident that the information we will receive today will help to structure an equitable logical system for all concerned with the Department of Defense Schools now and in the future. Thank you, Mr. Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 13, 1987.

Hon. WILLIAM D. FORD,
Chairman, Committee on the Post Office and Civil Service, U.S. House of Representatives, Washington, DC.

Attn: Kris Gilbert.

DEAR BILL: I wish to commend you for proposing legislative changes to the current system for hiring teachers in the Department of Defense Dependent Schools (DODDS). I am looking forward to the Committees on the Post Office and Civil Service and Education and Labor joint hearing on the Overseas Teachers Act scheduled

for October 27, 1987. I share your desire to help improve the system for hiring teachers in the DODDS. Your proposal attempts to alleviate the perennial problem of DODDS teachers being hired in two different ways which impact on future employment and benefits within that system. I agree that we should try to create an equitable system which puts these two groups on a level playing field.

I very much would like to work with you in helping to change current law; however, as I toured Europe, I heard several concerns raised by the proposals incorporated in your legislation, which I would like to share with you.

First, the legislation would no longer allow for locally hired teachers. This may be overly restrictive. When school starts teachers are needed immediately. The continental U.S. hire (CONUS) would take a great amount of time to fill the position. Principals need the flexibility to hire immediately from the local pool. Even though the legislation allows for temporary hires, the one year limitation would adversely effect a principal's ability to fill positions with a qualified teacher in a timely manner.

Second, the one exception to the limitation on local hires is the military dependent spouse. This large exception, although compatible with current law which requires that military spouses be given a preference in hiring, continues the existing inequity between the two classes of DODDS teachers. If the intent is to put all teachers on an equal footing, perhaps the legislation should incorporate the preference and allow these spouses to earn equal treatment. Furthermore, the dependent military spouse exception incorporates a caveat which requires these spouses to lose their jobs upon termination of the marital status. This is true no matter how many years the spouse has devoted to the system. I find this most troublesome. Perhaps incorporating a way to allow spouses to earn their jobs once the marital status has ended would be more equitable.

Third, the legislation should allow for the principal to choose from a number of qualified CONUS and transfer teachers. Principals expressed concern over only having a choice when they hired locally. All principals told us that given a choice between hiring from the local pool of applicants, persons whom they have met, or hiring from a random placement within the transfer or CONUS system, the principal would prefer hiring from the local pool. Granting choices of possible CONUS and transfer hires to the principal would alleviate the skepticism of blindly hiring CONUS and transfer teachers and, furthermore, foster support for transfers. I find it curious that no transfers were reported in the Mediterranean region last year. I believe this skepticism is having a chilling effect on the transfer system.

Fourth, many teachers expressed concern over their inability to compete in the CONUS pool of applicants because they did not physically reside in the United States. I fail to understand any policy reasons for this limitation. Perhaps your legislation could delete this requirement from current law.

Finally, current law requires that CONUS teachers lose their CONUS status if they voluntarily move within the DODDS system. These teachers have been unable to receive transfers into a desired school, yet, have been hired easily as a local once they have made the move. The combination of this limitation and the principals preference for hiring teachers locally has set in motion a system which takes away benefits for no compelling policy reason. Perhaps allowing teachers to retain their CONUS status when later they are hired locally would alleviate this problem.

I appreciate your sharing with me your proposed legislation and giving me the opportunity to share some of my concerns as we begin our oversight hearing.

Sincerely,

BILL GOODLING,
Member of Congress.

Mr. FORD. Apropos the gentleman's questions, we have just reproduced copies of this Defense Department overview here, and unfortunately there are not page numbers on here, but the one that is entitled "SAT Average Scores, 1976 to 1986," glancing at it quickly, I see that in the year 1976, on the verbal scores, SAT DODDS was 439. The national average was 431. In math, DODDS was 482, and the nation was 472.

That spacing stayed pretty much the same until you get here in 1980 and 1981, and you start to see a change. Then in 1986, while the verbal scores stayed above the national average, the mathematical score was exactly the same.

Now, I would observe for the gentleman from Pennsylvania, as I have to the doctor and others, that making that kind of a comparison is a little bit misleading, to begin with, because they do not have welfare kids. They do not have children without some parent responsible for them, or they would not be there. They do not have an unemployed parent or they would not be there. And they are in an environment where everybody in the military knows that there is a direct correlation between the amount of education you get and how well you succeed in life. This is quite different than the mix you would have, not looking at any particular part of the country, but if you look at the whole public school population in the United States and include in that everybody from migrant kids, of whom only 10 percent finish high school, to kids in big cities, who change schools maybe half a dozen times during the school year. I find it kind of surprising that they do not outstrip the national average very considerably when you look at the material they are working with and realize that they do not have these kids for all of their school time.

Mr. GOODLING. Except, Mr. Chairman, I think you have to realize and do, that many of the youngsters about whom you are talking do not take any SATs back here in the United States.

Mr. FORD. Well, what percentage of your kids are taking SATs?

Mr. GOODLING. No, I am talking about back in the United States. Those youngsters about whom you are talking, many of those never take an SAT, and so their scores are not included.

Dr. STREMPLE. In the United States, about 35 percent, significantly higher in DODDS. I have forgotten the figure, but I recall being struck by it when I examined that question last summer.

Mr. FORD. At the same time that people in this country were asking for more vocational education, their Department was having difficulty putting any vocational education in because their population is very strongly motivated toward college preparation and college entry.

What do you average in college entries of your high school graduates?

Dr. STREMPLE. From DODDS?

Mr. FORD. Yes.

Dr. STREMPLE. I think it runs around 60 percent.

Mr. FORD. That is considerably higher than the national norm.

Mr. GOODLING. The only point I was trying to make is that in their case more people take the SATs, which generally means that the score will go down. In the United States, there are more people that participate in the test.

Mr. FORD. Well, you educators are always telling us that these outside factors that they do not have to deal with are the problem, not the quality of the educational product, and there is a strong correlation, but I just wanted to make that observation.

Mr. GOODLING. Well, there is probably discipline in the family, which makes it much easier to teach.

Mr. FORD. You can bet there is discipline. If the kid gets in trouble, the old man is in trouble, and it does not take five minutes to get it straightened out.

When Mr. Erlenborn and others used to travel over there, we went through the 1960s, when the kids wanted to wear hair like

they were wearing in school before they came overseas, and if Daddy was a sergeant and some officer saw his kid with a "hippie" haircut, as they called them in those days, the sergeant found out about it in a hurry, and the kid got a haircut.

If he tried that in one of my school districts, somebody would get sued. But there is a difference in the environment that ought to contribute to try to improve the environment for education here.

But without objection, this material will be in the official record. I wish I could make reference to a page number, more than just the SAT average scores, but I think if the Members go through it, it gives a pretty good overview. It is prepared by the Office of Dependents Schools and shows the distribution of the students, the teachers, and the administrators.

[The portion of the material referred to follows:]

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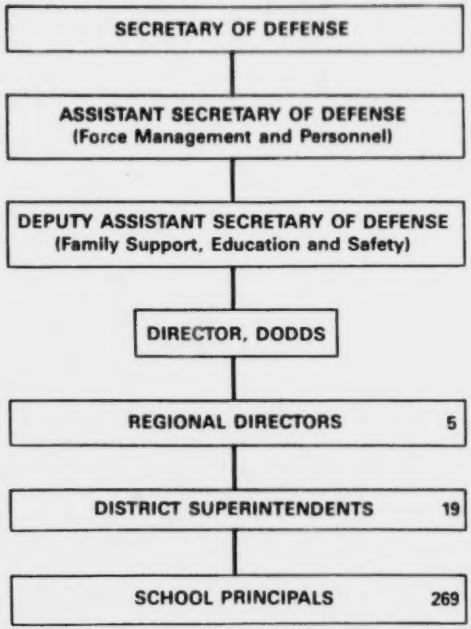
DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS



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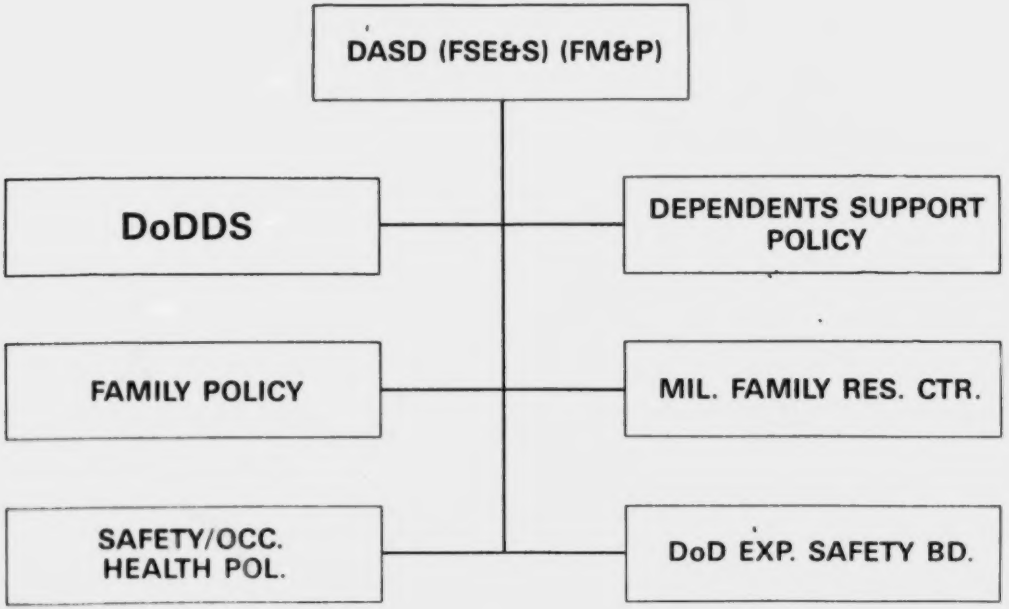
DEPUTY ASSISTANT SECRETARY OF DEFENSE
(FAMILY SUPPORT, EDUCATION & SAFETY)



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ENROLLMENTS IN DoD DEPENDENTS SCHOOLS (SY 1986-87)

LARGEST		SMALLEST	
1,989	RAMSTEIN ES, GERMANY	15	DECIMOMANNU ES, ITALY
1,721	MANNHEIM ES, GERMANY	19	BERCHTESGADEN ES, GERMANY
1,638	SCHWEINFURT E/JHS, GERMANY	18	CHAFFEE/WHITE/GRISSOM ES, BRITISH WEST INDIES
1,597	NUERNBERG ES, GERMANY	23	AVELLINO ES, ITALY
1,555	OSTERHOLZ E/HS, GERMANY	24	JEVER ES, GERMANY
1,536	BERLIN ES, GERMANY	29	SEVILLA ES, SPAIN

DoD DEPENDENTS SCHOOLS DATA
SEPTEMBER 30, 1986

REGION	COUNTRIES	SCHOOLS	STUDENTS
ATLANTIC	9	43	15,860
GERMANY	1	139	87,395
MEDITERRANEAN	6	35	13,570
PANAMA	1	13	6,884
PACIFIC	3	39	27,290
	20	269	150,999
		TUITION-FEE STUDENTS:	1,956
		TOTAL DoDDS STUDENTS:	152,955

DoDDS MINIMUM HIGH SCHOOL GRADUATION REQUIREMENTS
(SCHOOL YEAR 87-88)

MINIMUM REQUIREMENTS:	UNITS
LANGUAGE ARTS (E.G., ENGLISH, SPEECH, JOURNALISM)	4
SOCIAL STUDIES (TO INCLUDE 1 UNIT OF US HISTORY AND 1/2 UNIT OF US GOVERNMENT)	3
MATHEMATICS	2
SCIENCE	2
CAREER EDUCATION	1
AESTHETICS (E.G., ART, MUSIC, HUMANITIES, DRAMA, DANCE)	1
PHYSICAL EDUCATION	1
HEALTH	1/2
COMPUTER SCIENCE	1/2
ELECTIVES:	15
FOR THE COLLEGE-BOUND STUDENT, 2 YEARS OF FOREIGN LANGUAGE ARE STRONGLY RECOMMENDED	5
	20

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SAT AVERAGE SCORES: 1976-1986

YEAR	VERBAL		MATHEMATICS	
	DoDDS	NATION	DoDDS	NATION
1976	439	431	482	472
1977	443	429	486	470
1978	445	429	484	468
1979	443	427	482	467
1980	435	424	474	466
1981	435	424	478	466
1982	437	426	477	467
1983	433	425	472	468
1984	440	426	477	471
1985	442	431	480	475
1986	441	431	475	475

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ACT AVERAGE SCORES FOR DoDDS (AND THE NATION): 1982-1986

TEST	1982	1983	1984	1985	1986
ENGLISH USAGE	19.1 (17.9)	19.3 (17.8)	19.7 (18.1)	20.1 (18.1)	19.9 (18.5)
MATH USAGE	18.6 (17.2)	19.3 (16.9)	19.7 (17.3)	20.3 (17.2)	19.2 (17.3)
SOC. ST. READING	18.8 (17.3)	19.6 (17.1)	20.4 (17.3)	20.0 (17.4)	19.8 (17.6)
NAT. SCI. READING	22.4 (20.8)	22.2 (20.9)	22.2 (21.0)	22.7 (21.2)	22.8 (21.4)
COMPOSITE	19.9 (18.4)	20.2 (18.3)	20.6 (18.5)	20.9 (18.6)	20.5 (18.8)

COMPREHENSIVE TEST OF BASIC SKILLS (CTBS)

DODDS MEAN PERCENTILE SCORES BY GRADE

SY 1985-86

GRADE	TOTAL READING	TOTAL LANGUAGE ARTS	TOTAL MATHEMATICS	TOTAL SCIENCE	TOTAL SOCIAL STUDIES
3	57	63	58	—	—
4	65	69	62	—	—
5	62	69	61	—	—
6	71	76	66	—	—
7	66	71	65	68	68
8	65	71	61	69	69
9	63	69	68	65	73
10	62	72	71	70	76
11	59	67	62	60	70

NATIONAL NORM = 50th PERCENTILE

SCHOLARSHIPS AND FINANCIAL AID AWARDS — SENIOR CLASS OF 1986
(AMOUNTS IN $000)

NUMBER OF GRADUATING SENIORS	4,655	
% OF SENIORS REPORTING INTENT TO GO TO 2- OR 4-YEAR COLLEGE (n = 2,385)	51%	
FINANCIAL AID PACKAGES (WORK/STUDY, ETC.)	170	$ 859.3
LOCAL SCHOLARSHIPS	667	817.6
STATE SCHOLARSHIPS	118	593.4
MILITARY ACADEMY APPPOINTMENTS	42	1,722.0
ROTC SCHOLARSHIPS	75	1,791.5
ATHLETIC SCHOLARSHIPS	14	40.5
SPECIAL SCHOLARSHIPS (MUSIC, ART, ETC.)	107	365.5
VOCATIONAL EDUCATION SCHOLARSHIPS	14	37.3
TOTAL AWARDS AND CASH VALUE:	1,207	$6,227.1

Mr. FORD. One other thing that just came to my attention about this business of how long do you retain them. In 1966, when this committee had before it the bill which changed the pay system for the teachers, the then minority leader who later became President, Gerald Ford, used to make regular speeches on the floor about the fact that he ran into teachers overseas who had been there ever since World War II, and he thought that they ought to be forced to come back to be Americanized.

At that time the education groups took great umbrage at that idea, that an American teacher could ever become un-American, and Gerry proposed numerous times amendments—he was on the Defense Appropriations Committee—to limit their stay overseas to five years, and the primary reason that the committee turned down his amendment when it was a part of the bill that came to the committee was the concern that you were saying to somebody, "You can teach with us for five years, and then you cannot take that teaching experience any place when you come home." It is not like sending somebody back home with another job.

I do not know whether we did the right thing or not, but we turned down the proposal that there be some time limit during which the teachers could be over there.

That concern was expressed repeatedly by some other members who had the feeling that if you stayed out of the country for too long, you might be sort of out of step. Theoretically the purpose of these schools, as well as the international schools that we support, is not to provide a full school experience for the child, but to say that if that child, by reason of the government's decision to move the family to a foreign country, is there, for whatever time they are in that foreign country, they ought to be able to be plugged into a system that is as near the theoretical norm in the United States as possible.

So if they spend three years in elementary school or three years in high school, they will not be disadvantaged when they come back and plug into the regular school system.

Now, there have been all kinds of problems raised over the years about how you do that, and of course, nobody can achieve perfection in any one of these plans. We have looked at the Canadian system, which does have a five-year maximum, but my understanding is that they guarantee the teachers a job when they get back, and because of the way the national government controls the schools in that country, they are able to do it. We have no similar ability to guarantee a teacher, when we have forced them to come back to the States, that they would be able to keep teaching because it would be up to the needs of any particular local school district.

So they have to be treated differently, and all of these exceptions have been made from time to time as the Congress has had called to its attention ways in which they are (a) different from civil servants and (b) different from state-side teachers.

It is pretty hard to balance out the conflicting concerns because there is always some individual who would be advantaged if you go in one direction and disadvantaged if you go in the other direction.

Mr. GOODLING. Maybe we should differentiate though in relationship to the month of August. That is my major concern.

Mr. FORD. The way in which the bill contemplates, the transfer system would not have them suddenly saying in August, "We need three teachers."

What we would say to them is: you estimate how many teachers are going to be leaving you, how many want to transfer and so on, and notify headquarters.

CONUS is not some outside agency. It is they who are doing the interviewing and the hiring of the people that get on the Federal Register, if you will, to become overseas teachers.

The bill would say that from that pool that you have built up, you would meet the requirements that the administrators at the local level anticipate they are going to have, and it is not a building principal who does this. It is an area superintendent who does this.

Mr. GOODLING. You are talking about the unknown here.

Mr. FORD. Well, of course, the unknowns will occur just as they do here. That is why the exception was made to hire for one year a temporary teacher, because it would give you time to fill that vacancy by next year.

The problem is, Bill, that a principal might say, "I didn't know I was going to have a vacancy until Mrs. Jones told me in July that she and her husband were leaving." That is one thing.

But when he replaces Mrs. Jones with a temporary teacher, he could then notify them that he has at least one vacancy for somebody who is trying to get to that part of the world and give them a chance to apply for that vacancy. That all takes place ahead of time in terms of the fact that the vacancy is not filled in the last week of August. The vacancy is filled during that year.

When they sign a contract, they will be available and ready to appear in Nuremberg, Germany, wherever it might be, on August 21st, when they started this year or August 22nd, and that is how they would fill them.

Mr. GOODLING. Would the principal have a choice?

Mr. FORD. No, not any more than the base commander has a choice of who they send when he asks for an applicant.

Mrs. GOODLING. I would sure hate to think that if I were the principal and they fired Mrs. Erhardts that I could ever run the school.

Mr. FORD. This school system, like any other school system, has teachers that principals do not like, but you and I can go into that a lot further without taking committee time.

Mr. GOODLING. Could I just ask unanimous consent to put my opening statement in the record, as well as my letter to you that has some questions?

Mr. FORD. Without objection, the opening statement and the letter will be placed in the record immediately preceding your questions.

Mr. HAYES. I am a late arrival, Mr. Chairman. I am much like you. We just got this, and it not being numbered, it may be a little bit hard to follow.

But to satisfy my curiosity a little bit, I was looking at the proposed increase in the budget for 1980 as compared to 1987. I think, according to my arithmetic, it is something in excess of a

$27,128,000 increase, and there is no breakdown when you look at how the money is spent.

I guess when you say for special staff for personnel authorization for fiscal year 1987, that includes teachers, right?

Dr. STREMPLE. Teachers and administrators.

Mr. HAYES. Now, is some of that increase in money that is projected for 1988 to go for an increase in teacher's salaries?

Dr. STREMPLE. Yes, sir, it is built in.

Mr. HAYES. That varies, I guess, based on the school?

Dr. STREMPLE. It varies with what is going on in the United States.

Mr. SCOTT. The urban school jurisdictions of 100,000 or more population.

Dr. STREMPLE. Okay. That is in the law. We pay the average.

Mr. FORD. If the gentlemen will look at page 4, counting from the front, counting the cover as number one, those are the school districts that are in the current sample. The law reads that these teachers each year will be paid the average of all the school districts in the country of 100,000 or more, and this gives you a breakdown of 11 or 12 school districts that are the ones that are used to determine that average.

They are not paid like other federal employees, on the basis of any step level increases. Last year the teachers' salaries in all of these communities determined what the teacher's salary is this year for DODDS. So they do not set the pay, and we do not set the pay. The substitute is the average of the big city, basically, since if you look at them, you will see that they are the biggest cities in the country.

Mr. HAYES. Thank you, Mr. Chairman. I have no further questions.

Mr. FORD. Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

Dr. Stremple, I note that there is some discrepancy between the civilian employee spouse's right to work in the DoD schools. Have you addressed that problem at all?

I see this legislation focuses on it. Have you addressed it to see whether there would be any opportunities for spouses of civilian employees overseas to be hired?

Dr. STREMPLE. I would have to defer to Mr. Scott.

Mr. SCOTT. If I understand your question correctly, sir, you're asking are there other opportunities for them to work overseas.

Mr. GILMAN. No, within your structure. Right now I take it that you limit local hires to spouses of military dependents.

Mr. SCOTT. No. We consider spouses of the military and of the civilian federal employees to include——

Mr. GILMAN. There is no restriction at the present time?

Mr. SCOTT. No, sir.

Mr. GILMAN. And percentage are civilian, non-military?

Mr. SCOTT. If you are talking about teachers, approximately five percent of the teachers are non-military dependents. Twenty-one percent are military dependents.

Mr. GILMAN. Is there a preference? Do you give military first preference?

Mr. SCOTT. No, sir, we do not.

Mr. GILMAN. I regret that I cannot stay on for the balance of the hearing because I have another committee hearing, but I note in the testimony that we will be hearing a little bit later on that there is a comment of when a teacher requests a country, they would like to be able to request a particular school. Is there some objection to doing that?

Mr. SCOTT. No, sir, we have no objection whatsoever. It just becomes more difficult, of course, to place them in a specific school. If they are willing to go to any place within the country it is much easier.

Mr. GILMAN. They can do that at the present time?

Mr. SCOTT. Yes, sir.

Mr. GILMAN. Is there a tenure system for the overseas teacher?

Mr. SCOTT. There is a tenure system only insofar as the civil service requirements. The first year is a probationary period. The first calendar year is probationary. Then, of course, once they get past probationary, they are more or less considered permanent employees.

Mr. GILMAN. And if there is a problem while they are teaching and they request a review of any censure or discharge, what procedure is there for the tenured teacher?

Mr. SCOTT. There are a variety of procedures depending upon what they base their allegations. For example, there are the EEO procedures if it is an EEO related matter.

Essentially though we have negotiated grievance procedures with the three unions which currently represent teachers, and we utilize those grievance procedures, which can go to binding arbitration.

Mr. GILMAN. Is there any distinction between a probationary and a tenured teacher?

Mr. SCOTT. Yes. The probationary teacher can be discharged easier—let's put it that way—because we consider it more or less as a continuation of the qualification examination. We do not consider necessarily, that the teacher is a bad teacher, merely that they did not measure up to the expectations that we had; and we assume that within that first year it is a question of determining whether or not the teacher and the system fit each other.

Mr. GILMAN. With regard to requests for transfers, I note that one of the witnesses who will be testifying states that in some areas there has been some arbitrary treatment in that they reserve spaces for local hires and did not toss open the opportunity for employment in those areas until very late.

Have you looked at that problem at all?

Mr. SCOTT. Yes, we have heard allegations of that type, that some principals would prefer to select their own people rather than perhaps receive one through the transfer program. It is a difficult thing to prove one way or the other, to be honest.

We are sure there are instances where that does happen, but we would assume that the great majority of our principals do not let it happen.

Mr. GILMAN. Do you think there is some legislation that might be needed to prevent that arbitrary decision?

Mr. SCOTT. The question of whether legislation or regulation is more effective, I think, is what we have to look at. It is against our

policy for that to happen. So whether it would be any easier to enforce that policy with legislation is doubtful.

Mr. GILMAN. How do you try to prevent that from happening?

Mr. SCOTT. By looking into each instance where it is alleged and, of course, by trying to train our supervisors to recognize that the transfer policy is a good policy for the system.

Mr. GILMAN. What sort of supervision do you have overseas of the various facilities?

Mr. SCOTT. We, of course, have principals and assistant principals in each school. In complexes or groups of schools, we have district superintendents, and over large areas, which may include several countries, we have a regional director.

Mr. GILMAN. Is the superintendent very far removed from the schools within his system?

Mr. SCOTT. Generally not. In many cases they are within walking distance, depending, of course, on the size. In, for example, the countries of Korea and the Philippines it is more difficult.

Mr. GILMAN. How many schools are within your system?

Mr. SCOTT. Two hundred seventy schools, sir.

Mr. GILMAN. And how many students?

Dr. STREMPLE. One hundred fifty-one thousand, approximately.

Mr. GILMAN. I want to commend you for the results that we see here with regard to some of the achievement scores. It looks like you are doing better than the national average, and we want to commend you for that aspect.

Thank you very much, Mr. Chairman.

Mr. FORD. Thank you very much.

Dr. Stremple, we appreciate the difficulty you——

Ms. MORELLA. Don't forget me, Mr. Chairman.

Mr. FORD. Oh, I am sorry. The gentlelady from Maryland, how could I possibly forget you?

Ms. MORELLA. I do not know.

Mr. FORD. The best member of the committee.

Ms. MORELLA. He is trying to make up for it. You can tell how wonderfully political he is.

No, typical of females, I thought it was because I was the last hired in the committee. As long as I am not the first fired, but we will see.

I just have some really, I hope, snappy questions to ask you in the interest of time because I know we have kept you for so long, and I think it is fascinating to learn something about this bill.

In the first instance, it seems to me the reason for it is to keep the morale of the career teachers up in terms of looking at transfers and the mobility that you are going to offer these professionals.

But with regard to the locals, you are going to grandfather them, according to this bill; the current hires would be grandfathered in. But now it does mean, however, that your local hires will never be able to achieve any tenure, regardless of how good they are; is that not correct?

The new ones will be for one year only and cannot exceed one year. They could come back for another year as a temporary or——

Dr. STREMPLE. That is the way we understand it.

Ms. MORELLA. It will be for one year only, which means, of course, that there could be some that are extraordinarily capable, in which case they would only have the shot for one year, right?

Dr. STREMPLE. That is true.

Ms. MORELLA. I wanted to ask you about these dependent military spouses. Do they also include other federal employee spouses, people who might be with the State Department, with embassies?

Dr. STREMPLE. It does, yes, ma'am. It includes others.

Ms. MORELLA. It does include them. So if it says dependent military, it means dependent military and federal spouses.

Somebody is nodding "no." Maybe if it is different than that you will let me know.

Mr. SCOTT. We give equal preference to dependents of all federal employees, whether military or not.

Ms. MORELLA. Presently. Would this bill do anything to change it?

I guess I want the knowledge or the understanding or maybe the assurance that a spouse of someone who is with the State Department or another federal agency, who may have an employment problem, may also have that kind of access.

Mr. SCOTT. The way we interpret the bill, dependents of Department of State or dependents of Defense civilians would not have any preference. They would lose it.

Ms. MORELLA. They are included?

Mr. SCOTT. We would say they would lose preference, yes. That is our interpretation.

Ms. MORELLA. Would you not feel it would enhance the bill, and I know how you feel about the bill, but would you feel it would enhance the bill if that were expanded to include them, from your experience?

Dr. STREMPLE. We would think so, yes.

Mr. FORD. Ms. Morella, I hate to do this, but I have to. Before you came in, I called their attention to the fact that if they are doing what they say they are doing, that is not the law now.

There was a temporary kind of a thing that used to happen year after year in appropriations bills to give priority to a military spouse, or at least to make them eligible, not a priority. In 1985, Mrs. Schroeder, as a member of the Armed Services Committee, amended the Armed Services Authorization Act, the military authorization act, to make that permanent law, and it takes care of not only military spouses for teaching jobs, for nonappropriated fund jobs, PX's and things of that kind, and also says that they are eligible for any job above GS-7 if they can compete with everybody else that is eligible for that job.

So I think we have already established that this bill does not change that. That is the law now, and all this bill does is repeat that.

What it changes is the way they are doing it, not the way the law is. This system, nobody seems to want to accept responsibility for how it grew up, is not written down any place. If you look at the Department of Defense's own instruction in August of last year, they spell out that military spouses have this preference, military spouses, not Defense Department or Agriculture Department or State Department.

Somehow there has grown up a belief, and it has caused a lot of reaction, and we will hear from some of these people later in the hearing, who believe what you were just led to believe, that they presently have the right to do this, and that that right is taken away from them.

They presently do not have the right.

Ms. MORELLA. So, Mr. Chairman, you are saying that according to the current law, it does not expand beyond military spouses.

Mr. FORD. Just military.

Ms. MORELLA. And, therefore, the bill before us does not do a thing with changing that definition. I guess I am commenting on the fact that I wish it did. I think that there is also a need for that kind of expansion.

But I really appreciate your telling me about the background of it.

Also, I am interested in the fact that military dependents, military spouse, when divorced or there is a transfer, is widowed, is automatically cut out. I just wonder about what it does to the quality of education, what it does to our sense of humaneness.

Any comments on that? That would be in this new bill here. It says under "Dependent Military Spouses," "However, they would not receive benefits, and their employment would end upon termination of the marital status." That kind of tends to leave people up in the air, particularly when you see that you are a majority of women.

I am just asking for your comments on it.

Mr. SCOTT. Yes, we find it difficult to accept that kind of a provision. If the individual is a satisfactory employee, we think that the marital relationship should not then bear on continued employment.

Mr. FORD. Will the gentlelady yield to me?

Ms. MORELLA. Yes, indeed.

Mr. FORD. The statute that I just referred to says very specifically when talking about teachers, "* * * service positions in the Department of Defense located outside of the United States to provide employment opportunities for qualified spouses of members of the Armed Forces in the same geographical area as the permanent duty station of the member."

It means that to have this exception from the civil service law, she must be living with the military spouse in the area where he is stationed. If he is stationed in Germany and leaves Germany to come back to the States or go some place else and she would like to stay in Germany, under the present law she loses that exemption from the civil service law, and theoretically she is an illegal employee at that point, the same as anybody else who is improperly appointed to the federal civil service. That is the law now.

So, again, this bill does not change that. This bill spells it out a little bit more clearly by saying that if you are divorced you are not the current spouse of a military person.

I can understand what you are saying. The whole reason for this is that this never got in here to be nice to women. It got in here to be nice to officers and noncoms by giving their spouse a job so that they could keep them overseas. This was all initiated by the Defense Department as a "benny" for retention in the military.

Ms. MORELLA. I agree with you in terms of it being current law, but we can, of course, amend this bill, which is what the hearing is about.

It seems to me that what is of critical importance is good education for these kids because they are going to be the future of the world and certainly represent our country.

I would assume that also a dependent spouse is hired because he or she is absolutely qualified to go into that classroom and teach. I would hope that would be the case.

My concern, which could bring about an amendment, reflects how I feel; we are then treating that person not as an educator, but as an appendage to someone else who is in the military, and that kind of thinking troubles me as an educator and as a person. So that is why I bring that up.

Is that what is happening?

Dr. STREMPLE. Yes, that is right.

Mr. MYERS. Would you yield?

Ms. MORELLA. Yes, sir.

Mr. MYERS. Since we are on this issue, Mr. Chairman, what about a qualified teacher, a dependent of the military who becomes a widow? She is qualified. Yet she would be ineligible because she happens to be widowed.

Ms. MORELLA. The answer is yes.

Since I have you before me, one final question.

Mr. FORD. Well, what do you want to do with the widow?

Mr. MYERS. If she is a good teacher, keep her, but this would make her ineligible under your bill.

Ms. MORELLA. It could be a widower.

Mr. MYERS. All right.

Mr. FORD. We did not exclude her because she becomes a widow, but I should point out to you not to wait for the Defense Department to take care of the widow.

Mr. MYERS. I am not. I am thinking about the quality of education.

Mr. FORD. We discovered that during the Vietnam War, we had people who had during the Korean War married Japanese wives in our military. They were career military, and when they were sent to Vietnam, their wives and their children returned to Japan, and because the law was written to say that these schools were for the dependents of Defense Department personnel, when the father was killed in Vietnam, they threw his kids out of the school in Japan.

Now, in 1974 or 1978, at some stage we stuck something in there to take care of the orphans of somebody killed in combat, and that was the first time since this system started in 1946 that they could legally even take the orphans of a person killed in combat.

So I do not recall that anybody has ever given any concern to the widow, but we have to remember what it is we are talking about. We are talking about a specific law that exempts people while in a particular status from the otherwise strict requirements of the civil service law about how you become a civil service employee. So you give them the exemption.

What you will find in Europe now is that there are former military spouses who have been hired year after year after year, and they will be by this bill blanketed in as if they had been hired

properly. But there was never any authority to do that in the first place.

When that condition was no longer extent, that exemption from the civil service law expired with the termination of that status. So our language is consistent with that.

If you want to figure out something to deal particularly with what should happen to somebody who is widowed while in this status and giving her permanent status, we can do that. But that has never been raised here. So there is no change.

Ms. MORELLA. I realize that, Mr. Chairman. You have got such a great institutional memory, too. There are times when we are going to find anachronistic facets of the law, and I think it behooves us to be alert to it with the idea that it can be changed, too.

Just another question, which is not 100 percent directed toward the bill, but I was looking at your principals who got awards. Do you have any women who are principals of secondary schools currently in our DoD system?

Dr. STREMPLE. We do have, ma'am.

Ms. MORELLA. How many do you have?

Dr. STREMPLE. I do not know, but I visited, I think, four high schools on a recent trip, and one lady was a principal of a high school.

Ms. MORELLA. So you are saying there is a fair number of them, too. I think that is very good.

Dr. STREMPLE. I cannot say the number, but I know of a case of a woman principal. There may be more. I am new to the system. So I really do not know.

Ms. MORELLA. I think sometimes awareness is the number one step toward excellence.

Thank you very much. Thank you, Mr. Chairman.

Mr. MYERS. Mr. Chairman, I have a clarification question, if I may.

Mr. FORD. Yes.

Mr. MYERS. Under the DoD budget for the fiscal year for the dependents' schools, you have an item of procurement. What is procurement in your budget? You have got operation also, O&M, operation and maintenance. Operation would be textbooks?

Dr. STREMPLE. Well, supplies and those kinds of things.

Mr. MYERS. What is operations then?

Dr. STREMPLE. Salaries.

Mr. MYERS. Okay.

Dr. STREMPLE. Salaries mainly.

Mr. MYERS. How come it cost so much more in 1987 for supplies than it is going to in 1988? There is a radical change. What aren't you going to provide next year that you did this year?

Dr. STREMPLE. I do not have that in front of me.

Mr. MYERS. Well, for the record—don't explain it now—would you, Mr. Chairman, explain why it dropped from $8,627,000 down to $414,000 in 1988, the procurement?

It really is not relevant to the question here, but I am just inquiring because I do also serve on appropriations.

Dr. STREMPLE. Yes, sir. We will get that to you.

Mr. MYERS. Mr. Ackerman and the chairman and Mr. Goodling have all mentioned the fact that the quality of education should be

paramount, and of course, it is. But some of the questions that you ask here, few people realize that we in Congress operate two schools right here, and we do not follow the same rules you are advocating here as far as hiring. They do not have to be on the civil service register to get hired here. We are accredited with the Mid Atlantic. We do get accreditation for the two page schools that we operate here, both the Senate school and the House school, but I used to serve on that committee. I have served on just about every committee around this place through the years I have been here. So I have some experience, not expertise, just experience.

Mr. ACKERMAN. Would the gentleman yield on that?

Mr. MYERS. But the things that you are asking, we do not have these kinds of rules and regulations in the schools we operate.

Yes, sir, I will yield to the gentleman.

Mr. ACKERMAN. What would happen with those schools and the public reaction if congressional members by regulation or fiat decided that we wanted those schools to hire our spouses first and then if there were any vacancies, we would look for outside qualified people?

I think there would be a large, public outcry if that happened, and I think that merit is something that we have to take into consideration.

Mr. MYERS. There was a time, until maybe four years ago—time does get away here—that the schools were operated by the District of Columbia school system. About four or five years ago, when we did have a little problem here, we did take it away from the District of Columbia.

We operate our own system now. We have a commission now that does the hiring. The principal does the recommendations there, and we hire the principal. He recommends; he interviews, and we do the actual hiring.

There are no restrictions that we have to hire somebody from CONUS or any place else in our schools. We hire whoever we want to, but if we were going to spell out who they were going to be, we would have every right to do that.

I think you would get a strong resentment if we hired only spouses of congressional members, not because they were spouses of anybody, but Congress gets kicked around anyway. It is a popular, political thing to do. That would be the only reason you would get that complaint.

I do not think you would get it because of the quality of education, because we hire the best we can get over here, and I think they hire the best.

As far as the termination of the marriage, it seems to me on the requirements here, if you get a COS in a dependent of a military, then you would be a transfer rather than termination of the marriage or as far as what theater. That would be a transfer then and would be accommodated.

Most spouses want to go with their military family. So I think that would come under the transfer of this bill rather than eliminating the eligibility, and I think your COS would be taken care of by transfers.

I have talked too long. Thank you, Mr. Chairman.

Mr. FORD. Thank you very much, Doctor. We have kept you a long time, and I appreciate the difficulty you have had, being so new at this job, responding to a lot of questions. I am sure that members will have more detailed questions, such as the budget questions, that they will submit in writing, and you can respond to those at your leisure. We will make them a contemporaneous part of this record.

And we appreciate your cooperation, you and your Department, as we have tried to put this together and get information. You have been very helpful to us, and we will continue to work with you to try to get the best product we can for the principal mission that you have to carry out.

Dr. STREMPLE. Thank you, Mr. Chairman.

Mr. FORD. Now, the next panel is Mr. Jack Rollins, President of the Overseas Education Association, and Marie Sainz-Funaro, President of Overseas Federation of Teachers, accompanied by Bruce Thale, President of the Panama Federation of Teachers.

STATEMENTS OF A PANEL CONSISTING OF JACKIE D. ROLLINS, PRESIDENT, OVERSEAS EDUCATION ASSOCIATION; AND MARIE SAINZ-FUNARO, PRESIDENT, OVERSEAS FEDERATION OF TEACHERS, ACCOMPANIED BY BRUCE THALE, PRESIDENT, PANAMA FEDERATION OF TEACHERS

Mr. ROLLINS. Thank you, Mr. Chairman and members of the committee.

I am Jack Rollins, President of the Overseas Education Association, which represents approximately 8,700 DODDS teachers, well over 85 percent of the total teaching force.

On behalf of those teachers, I want to publicly thank you, Chairman Ford, for your long and continuing interest in the DODDS system, and particularly the teachers, who are the heart of the system.

Over the last eight years I have had the personal pleasure of meeting with you and your excellent staff, including Tom Wolanin and more recently Kris Gilbert, with whom we worked so closely on this legislation.

As you know, this legislation addresses, among other items, important issues of local hires and a transfer program which is essential to the morale of all DODDS teachers.

While the OEA recently received favorable rulings from the Federal Labor Relations Authority stating the length of the school day and extra compensation are negotiable, important concerns, such as the pupil-teacher ratio and the performance evaluation system, have been declared nonnegotiable and may require remedial legislation at a later date.

Under the positive guidance of the present DODDS Director, there is movement towards alleviation of personnel and education issues. I predict even with his short tenure, his policies will take hold and teacher morale and the educational process will dramatically improve.

As to the legislation before us, we support the overall basic concepts contained in the bill, but have several recommendations for changes. These recommendations are based on considerations of

cost, the needs of the Federal Government, the history of teaching excellence of local hires, our aging work force, and the continuing teacher shortage.

OEA's overall objective in supporting legislation is to promote quality education in DODDS by maintaining high teaching standards and teacher morale. In order to do both, we need to address the recruitment process and transfer opportunities.

Last year DODDS recruited 517 state-side hires, with not all required positions being filled. To recruit that number of teachers from the States, over 2,000 letters of offers were sent to those who applied. For various reasons the appeal of teaching overseas has diminished in recent years. It is important to improve recruitment of new teachers and retain our present ones, including those locally hired.

When considering the recruitment process under proposed Section II, titled "Uniform System Relating to the Transfer and Appointment of Teachers," recommend that after the transfer program is completed, vacancies be filled with qualified spouses of military members and spouses of Federal Government employees already in the local area prior to state-side recruitment.

The transfer proposal requires that all actual and anticipated vacancies be included in the transfer program. Thus, the bill provides a transfer program which satisfies the needs of career teachers and at the same time offers qualified spouses of federal and military employees the same number of employment opportunities they enjoy under the present transfer system.

This is because every transfer offer made and accepted by a current employee will create a vacancy for local hires to fill. After local hires have been selected, state-side hires with significant transportation costs would be recruited, as is presently accomplished.

We believe Section 4, titled "Conditions for Employment as a Teacher," should be modified to include not only military spouses, but also spouses of all federal employees serving in the local area. We perceive no reason to differentiate between the spouses concerned. All serve the same cause, have the same qualifications, and suffer the same employment and morale problems.

We recommend that Subsection d(1)(B)(iii) and d(1)(D) of the proposed section titled "Conditions for Employment as a Teacher" be modified and read as follows. Under d(1)(B)(iii), it should read, "The discharge, separation or retirement of the sponsoring spouse from the federal service," whereas before it says "discharge" only.

And under d(1)(C), "if such a contingency occurs, a teacher who before, on or after the date of the occurrence completes the equivalent of at least three schools years' service as a teacher in DODDS shall receive the same benefits and be treated in the same way as an individual recruited in the United States."

In those few cases in which a spouse elects under those unusual circumstances to continue his or her career as a teacher in DODDS, we recommend they receive full benefit. These teachers would have been successfully evaluated for at least three years and have proven their ability to cope with overseas living and their value to the DODDS system. It is in the best interest of the system to retain them.

As to the proposed Section 7 that is titled "Making the Position of the Director of Dependent's Education a Career Reserve Position," after having experienced the good and the not so good, we do not now support a career reserve position for the Director of DODDS.

The present system allows for either a career or appointment.

As to Section 9, titled "Technical Amendments," we oppose changes proposed in Section 8(b) to the Act of 20 USC 906(b), as they relate to allowances, and Section 10(b) of such Act, 20 USC 907, as they relate to "other benefits" since such changes may be interpreted as affecting favorable negotiation determinations on our right to bargain on extra compensation.

To summarize, this bill, if enacted into law, with the recommendations made by OEA would allow all local hires to apply for and be considered by DODDS, Washington for employment as a DODDS teacher, along with all other state-side teachers. And if selected, such local hire teachers would be deemed for all purposes to have been recruited in the United States.

The current DODDS transfer program would have a statutory basis and be run essentially as it is currently, except all known and anticipated vacancies would be used in the transfer round.

After completion of the transfer program, vacancies would be filled by qualified, local teachers who are spouses of military and civilian employees of the Federal Government in the local area prior to recruitment in the United States.

Under Section 3, individuals reporting late to teaching duties because of administrative delays would receive full benefits.

Then if the spouse of a military member or government employee divorces or legally separates, or if the military civilian sponsor leaves the post in excess of 90 days or retires, the spouse teacher after three years' teaching service in DODDS will receive full state-side benefits.

Also, all current teachers are grandfathered as to the employment as a teacher and as to receiving state-side benefits, and after three years' DODDS teaching service, when they are not receiving similar benefits through a sponsor.

Under Section 6, maternity leave is recognized, and four days' any purpose leave is provided, and under Section 9, no technical amendments shall undermine favorable decisions of the Federal Labor Relations Authority.

Thank you, Mr. Chairman, and I am open for any questions.

Mr. FORD. Thank you.

Ms. Sainz-Funaro.

STATEMENT OF MARIE SAINZ-FUNARO, PRESIDENT, OVERSEAS FEDERATION OF TEACHERS

Ms. SAINZ-FUNARO. Thank you, Mr. Chairman, members of the committee.

You have no idea how very pleased I am to be here. This legislation is so close to my heart and to the members that I represent.

A Greek philosopher once said that every city is two cities, a city of the rich and a city of the poor, and right now we have overseas DODDS teachers, two classes of citizens, those with benefits and

those without, and hopefully, I know that this bill will provide equal pay for equal work,

So I want to thank you, Mr. Chairman, for the work you have done on this legislation, and I am very, very pleased to see this at this step, and hopefully it will go all the way down the line and be passed.

However, there are some concerns that we have, and I want to share those with you and hope that you will accept those recommendations that we will make.

As the legislation, H.R. 3424, is currently written, all anticipated or existing openings in DODDS will be filled first through the transfer program. Now, in the last draft that I saw, I did not see that phrase. I assume that has been removed. I am not sure.

In any case, we would hope that all openings will be filled first with the transfer program.

Last year, no openings were reported in the Mediterranean region for the first round of the transfer program. That was a clear abuse of whosever was responsible for that. I questioned management about that, and I was told they had over-projected enrollment; that principals had not reported openings; and that openings were being held for local hires. This legislation hopefully will eliminate that abuse.

We would also like to see additional rounds in the transfer program so that teachers who did not have an opportunity to receive a transfer after the first, second and third round might be able to get a transfer as openings become available late in the school year or even into the summer.

We would also like teachers to be able to select specific schools when they request a transfer. Now, there was some testimony earlier that teachers could now do that. They can only do that within the country, not between countries.

So if a teacher is currently stationed in Spain and wishes to be transferred to a school in Italy, they have to request Italy, not a school in Italy.

Right now we have a teacher in the Azores who wishes to transfer to Italy, but is afraid to request such a transfer because she is afraid she might end up in Lamagalana, another isolated island. Now, if that teacher could request a transfer to a specific school, that problem would be eliminated.

Therefore, we recommend that in the legislation, teachers be allowed to request transfers to specific schools.

With regard to local hires, we have heard a lot of discussion today about military dependent spouses and their right to be hired locally, and the discussion of other government civilian employees and their rights to be hired locally.

We hope that both can be treated in the same way.

Now, in your recent legislation, the one before us, there is a change whereby teachers could apply from overseas to the DODDS program. If that is the case, it eliminates a lot of my concerns that I had about teachers overseas being unable to work in DODDS except on an emergency basis, and I would need some clarification on that. I do not know what that part of the legislation means.

Let's assume a spouse of a DODDS teacher can now apply to work in DODDS without being in the United States, then that

teacher would become eligible. My concern would be: would that teacher be assigned to the same school where the spouse is?

With regard to teaching couples, that would be one of my concerns. As it stands now, very often teaching couples apply in the United States. One spouse is hired. The other spouse is told that they should accompany the sponsor, and they will get hired locally.

The new legislation eliminates that possibility, and I suspect that if that cannot occur, we will have fewer and fewer couples applying. So either both should be hired in the United States and sent or they should be told that the dependent will not be hired locally except on an emergency basis. So we have a lot of concern about that.

Again, perhaps this new section which allows teachers to be recruited in Europe or overseas rather than in the United States might take care of that, and I just do not know. I need to ask you questions about that.

With regard to benefits in the event of divorce, annulment and legal separation, not this law, but the law that we are now working under grants benefits to the dependent teaching spouse in the event of divorce, annulment or legal separation. The proposed legislation, this legislation, removes those benefits.

Now, I know that those benefits are not available to people in the United States. No employer is responsible for the spouse in the event of a divorce. However, there are social agencies. There are relatives in the United States who assist women or men, as the case may be. In Europe that is just not the case. You are overseas. You are divorced. Who takes care of you, if you will?

The dependent is without any means of self-support, without any means to travel back to the United States, without any means to have household goods shipped back to the United States, and in addition, if children are involved, will those children be allowed to attend DODDS schools if custody is given to the spouse that is not the sponsor? I am not sure what happens there.

Will they be able to attend school as tuition-free students? These are some concerns that we have about the whole issue of divorce, annulment or legal separation. It is just clearly different than being in the United States. Somehow we have got to get the person into the United States, and you cannot just abandon them overseas. It is clearly different than being in Manhattan or in California or anywhere else in the United States.

We have some concerns with teachers who have a break in service. Teachers originally hired by DODDS in the States and who have a break in service are sometimes rehired as local hires, without benefits. Now, those teachers did not bypass the civil service system in their employment, but there was a break, and now wish to be rehired.

Now, the legislation before us would not allow these teachers to work except on an emergency basis, if I am interpreting it correctly, and so we have concern about those teachers.

Dual sponsorship for teaching couples. In the case of teaching couples where both are state-side hires right now, each spouse is his or her own sponsor. Neither is considered a dependent, and safeguards are built into the regulations to prevent what might be called "double dipping."

In the legislation before us, current local hires will be grandfathered and treated as though recruited in the United States, except for teaching couples. They will be treated differently.

Questions have been raised about whether or not each spouse will become a sponsor, as is currently the case when both are recruited in the United States, or one will continue as a dependent, and if one continues as a dependent, will the spouse, the current local hire, be eligible to be grandfathered or become eligible for benefits if the sponsor loses his or her benefits for some reason?

Now, many questions have been raised on this point. The OFT assumes that the local hire would become eligible for the benefits if he or she would have been eligible except for the fact that the sponsor had the benefits. However, since so many questions have been raised on that point, we need some clarification.

Teachers are concerned about possible different interpretations by civilian personnel offices on that particular issue.

And one final concern is the whole issue of substitute teachers. We hope that substitute teachers do not become long-term, permanent substitutes, replacing local hires and thereby creating a new group of second class citizens with even fewer benefits and less pay than the current local hires.

These are our concerns, and we hope that you take them into consideration as you walk through this bill.

But above all, we want to thank you again very much, and I am open to any questions that you might have, Mr. Chairman.

Mr. FORD. Thank you.

[The prepared statements follow:]

TESTIMONY OF MARIE SAINZ-FUNARO, PRESIDENT, OVERSEAS FEDERATION OF TEACHERS, AMERICAN FEDERATION OF TEACHERS, BEFORE THE POST OFFICE AND CIVIL SERVICE COMMITTEE, U.S. HOUSE OF REPRESENTATIVES, OCTOBER 27, 1987

Mr. Chairman and Members of the Committee: I would like to thank you for the opportunity to be here today and to share with your our thoughts on the very important piece of legislation before us, H.R. 3424.

A Greek philosopher once said that every city is two cities—a city of the rich and a city of the poor. Today in the Department of Defense Dependent Schools (DoDDS) we have two classes of citizens—teachers with benefits and teachers, through no fault of their own, without benefits. Hopefully, this legislation will correct that inequity.

With the exception of some changes which I will discuss, I would like you to know that the OFT endorses this legislation. We welcome it as a bill that will finally give teachers "equal pay for equal work" and make the transfer program much more equitable than it presently is. And so, I wish to preface comments I will make about possible changes in the legislation with a thank you.

And now to our specific concerns:

A. *Transfers*:

As the legislation is currently written, all existing or anticipated openings must be filled first through the transfer program. This we welcome! However, our concern is that known or anticipated openings may not be reported in a timely manner. It would seem reasonable that teachers be informed of those openings two weeks prior to the time applications for transfers are submitted.

Last year, no openings were reported in the Mediterranean Region for the first round of the transfer program. That was a clear abuse. When I questioned management about this, I was told that they had overprojected enrollments, that principals had not reported openings, and that openings were being held for local hires. We hope the legislation will eliminate that abuse.

Additional Rounds in the Transfer Program. We would also like to see additional rounds in the transfer program. Openings which become available late in the school year, or even in the summer, could be filled through the transfer program before becoming available to CONUS or local hires.

Opportunity To Select Specific Schools:

We would also like teachers to be able to request transfers to specific schools rather than to a country. Let me give examples of why that is important. If a teacher assigned in the Azores, an isolated island 800 miles from Lisbon, requests a transfer to Italy, it is possible that the teacher may be sent to Madallena, another isolated, hardship island in Italy. Another example—a teacher assigned to Bahrain was offered a transfer to the Azores. For such reasons teachers sometimes decline transfer offers when they are made.

We would like teachers who are assigned to teach in two year areas to have the opportunity to request transfers each year, provided they sign a new return travel agreement (return travel to the U.S.).

In summary, on the transfer issue, the legislation must provide career DoDDS teachers with the opportunity to fill any openings which become available through the transfer program. If teachers know that they have a good chance to transfer I believe we will have more teachers applying for our program, and more will be willing to accept assignments in hardship areas.

B. *Local Hires*:

Equity for Civilian Government Employees:

According to our best estimates, about 30% of DoDDS teachers are military dependent spouses. On the effective date of this legislation, any new military-spouse teacher will be allowed to teach during the tour of duty of the sponsor. However, there is another group of teachers who will be denied that privilege—dependents of civilian government employees. It has been said that the government has a responsibility to try to provide employment for military dependents overseas. Their sponsors are serving our country and, therefore, they are entitled to certain privileges. We believe the civilians role is no less important and that military and civilian spouses should be treated equally and be provided the same opportunities. In the Mediterranean Region our best estimate is that about 50 teachers are spouses of DoDDS teachers; world-wide the number is about 250. A smaller number are spouses of civilian DoD and State Department employees. They will be protected by the legislation before us. However, for new civilian families assigned overseas, the dependent spouse will be denied an opportunity to teach, except on an emergency basis, for one year.

If a family were in the U.S., and one spouse was offered a job in another part of the country, clearly the employer would not be responsible for providing employment to the accompanying spouse. However, the spouse could go to the next town and apply for a position. Not so overseas!

Teaching Couples: When teaching couples apply for positions in DoDDS they are often told that, although both are acceptable, only one will be hired in the states. The spouse will be hired locally. Now, unless both are hired in the states, we may well see fewer couples applying. The spouse will no longer be able to work except on an emergency or substitute basis. As mentioned earlier, and at the risk of being redundant, the overseas spouse cannot go to the next town to apply for a job.

Benefits in the Event of Divorce, Annulment, Legal Separation: The current law grants benefits to the dependent teaching spouse in the event of divorce, annulment, or legal separation. The proposed legislation removes these benefits. We know they are not available in the U.S. However, in the U.S. there are social agencies and relatives who can offer assistance. Again, being overseas is clearly different. Without such benefits the dependent spouse may well find him or herself abandoned overseas, without means of self-support, without travel back to the U.S., and without shipment of household goods to the U.S. In addtion, if children are involved, and the dependent spouse is granted custody, what becomes of them? Will they be able to continue to attend DoDDS schools? If so, will they be tuition-free students? These are serious concerns.

Break In Service:

Teachers originally hired by DoDDS in the States, and who have a break in service, are sometimes rehired as local hires without benefits.

The legislation before us would not only continue to deny these teachers benefits, but would allow them to only work one year on an emergency basis. These teachers did not by-pass the competitive civil service system and, so, our recommendation is that, if rehired, they be treated as CONUS hires.

Dual Sponsorship for Teaching Couples: In the case of teaching couples where both are stateside-hires, each spouse is his or her own sponsor. Neither is a dependent, and safeguards are built into the regulations to prevent double dipping. In the legislation before us, current local-hires will be "grandfathered" and treated as though recruited in the U.S., provided certain conditions are met (except for teaching couples). Questions have been raised about whether or not each spouse will

become a sponsor, as is currently the case when both are recruited in the states, or if one will continue as a dependent. If one continues as a dependent, will that spouse, the current local-hire, who would have been eligible to be "grandfathered," become eligible for benefits if the sponsor loses them for some reason? Many questions have been raised on this point. The OFT assumes that the local hire would become eligible for the benefits if he or she would have been eligible, except for the fact that the sponsor had benefits. However, since so many questions have been raised on this point, clarification is needed. Teachers are concerned about the possibility of different interpretations by the various civilian personnel offices.

Substitute Teachers:

One final concern is with the subject of substitute teachers. We hope that substitute teachers do not become long term permanent substitutes, replacing local hires, and thereby creating a new group of second-class citizens with fewer benefits and less pay than the local hires.

The OFT hopes that you will consider our recommendations, but, above all, wishes to express our gratitude for the opportunity to be here today, and for your interest in DoDS teachers. Thank you.

TESTIMONY OF BRUCE THALE, PRESIDENT, PANAMA FEDERATION OF TEACHERS, LOCAL 29, AMERICAN FEDERATION OF TEACHERS, AFL-CIO, BEFORE THE POST OFFICE AND CIVIL SERVICE COMMITTEE, U.S. HOUSE OF REPRESENTATIVES, OCTOBER 27, 1987

Mr. Chairman and Members of the Committee: My name is Bruce Thale, president of the Panama Canal Federation of Teachers, American Federation of Teachers Local 29. I represent 450 U.S. citizen teachers working for the Department of Defense Dependents Schools in the Republic of Panama.

I am speaking today in support of H.R. 3424, the Overseas Teachers Act of 1987. At present many problems exist in the DoDDS inter-regional transfer program. Open positions are not announced, or are held to be filled at the last minute with temporary, Not-To-Exceed teachers. One of the employment benefits that DoDDS uses to entice teachers to teach abroad is the promised opportunity to transfer and travel from one region of the world to another. Sadly, many teachers accept an overseas assignment only to find that transfer to another region is not possible because open positions are not announced, or are filled locally. H.R. 3424 addresses this problem directly. By mandating how positions will be advertised and filled, the transfer program will be open and available to all teachers. More teachers will be able to transfer and share their unique abilities in other areas of the world. Teaching morale in each region will be much higher because teachers will not feel trapped in a particular location.

In order to increase the number of vacancies available for the transfer program, the bill rightfully places limits on locally-hired teachers. The bill also rightfully grants benefits to the permanent, locally-hired teachers who are on the rolls as of the effective date of the bill.

We have approximately 23 permanent, locally-hired teachers in the Panama Region who are heads of households and would be immediately eligible for benefits under this bill. We have approximately 55 permanent locally-hired teachers who would benefit from this bill in the event of divorce, annulment, or legal separation from this sponsoring spouse. We have approximately 14 permanent locally-hired teachers who are Panamanian citizens and were ill-served by the provisions of the Carter-Torrijos Treaty of 1979.

It is imperative that these teachers be granted stateside benefits. The Panama Region is scheduled to go out of existence in the year 2000 and Panama is currently undergoing severe political strife. Few stateside teachers want to teach in Panama. Few DoDDS teachers want to transfer to Panama. We need to retain our current locally-hired teachers and this will be helped by stateside benefits.

Our permanent locally-hired teachers in Panama must be granted these benefits because the Carter-Torrijos Treaty does not address the needs of local hires—those hired before or after the treaty. Discriminatory hiring practices of the past resulted in the local hires receiving differing employment packages. H.R. 3424 would equalize the benefits for all permanent local hires.

Under the current conditions in Panama, the locally-hired teachers are irreplaceable. They do the same job and work the same number of hours as their CONUS counterparts. Local hires are providing stability in the Panama Region. Many have lived and worked in Panama for years. They did not simply wander into the area, but came with their spouses to make a home. In the beginning they were hired as Not-To-Exceed teachers and were subject for many years to dismissal and rehiring. Just recently they have received the permanent status that they deserve.

The permanent local hires in Panama are quality teachers. Most serve on school and regional committees. Most have received superior and outstanding ratings. They are active in professional organizations and perform many school-related extracurricular activities.

The Panama Canal Federation of Teachers supports the expansion of the transfer program and the granting of benefits to the current locally-hired teachers in the Panama Region. The contributions of these teachers, most of whom are women and dependents of federal employees, have shown that they should receive the same benefits as stateside-hired teachers. We ask that you support the passage of H.R. 3424.

I would be very happy to answer any questions the Committee may have and I would like to thank you for the opportunity to appear before this Committee today.

STATEMENT OF BRUCE THALE, PRESIDENT, PANAMA FEDERATION OF TEACHERS, LOCAL 29, AMERICAN FEDERATION OF TEACHERS, AFL-CIO

Mr. THALE. Mr. Chairman, thank you for inviting us here today to testify on H.R. 3424. You have my written testimony for the record. I would just like to make a few additional comments.

Congressman Ackerman made a reference to the political situation in Panama earlier this morning. Our teachers are traveling to and from their homes in Panama City, to their work sites, through an army of rifles and fixed bayonettes at the current time, and we do have a real political situation going on in the Republic of Panama.

That is why we are supporting your bill, H.R. 3424, because we need to see the transfer program opened much more than what it is now. This past year we had 34 people attempt to transfer from the Panama region. Thirty-two of them did finally receive transfers out of the region. Two of them, for whatever reason, are still in the Panama region.

We expect more people to put in for transfers this year than put in last year simply for the political unrest that is going on. They would like to transfer out of our region, and so we certainly support the transfer program as outlined in the bill.

We also have a very large number of local hire teachers in our region. These teachers have taught in the Panama region. They are excellent teachers, and they have taught for many, many years in the region, and they are, like the rest of us, in a phaseout in the Panama region, in accordance with the Panama Canal treaty. We are being phased out by the year 2000, and we need to have some stability in our teaching force.

While it is true that we want people to be free to transfer, we also would like to keep these highly qualified, local hire teachers on board, and so we are supporting the benefits that are being offered to the long-term, local hired teachers.

Much has been said this morning about perhaps with a year limitation, there might be some type of discrimination going on where someone who is qualified would be discriminated against because they can only stay for one year after this bill goes into effect, but there has been an awful lot of discrimination going on in the past because teachers, mostly women, have been hired over and over for years and years as NTE teachers, and they received no benefits at all during that time, and they then were moved up to permanent, but now they are there, and they still do not receive benefits as though they were state-side hires.

So we certainly support the benefit package for locally hired teachers.

One additional thing, and that is in the Panama region, we have some special laws and treaties that apply to us that is not true of my other two colleagues here. We are under a special section of the Panama Canal treaty which limits benefits, especially housing benefits, that the other regions enjoy.

As a result of that, we had to come to the Congress and were fortunate in having the Congress pass bill 98-600, a special housing allotment, allowance for our housing in Panama, and we have some concerns that since this bill is attempting only to amend Title 20, that perhaps someone might construe the bill to be not applicable in the Panama region, and we would like to see some intent that would show that it is the intent that this bill and the benefits for local hires would apply to the Panama region, and that 98-600, the housing allowance bill for the Panama region would also apply to our local hire teachers.

Thank you again for having us here this morning.

Mr. FORD. Let me see if I can proceed in reverse order now. You really have me puzzled about Panama.

I had labored under the misapprehension that after the Panama Canal treaty, hiring Americans in the canal zone was prohibited by any agency of the Federal Government. Isn't that the case?

Mr. THALE. What is that again, sir?

Mr. FORD. You said in your statement that the Carter-Torrijos Treaty does not address needs of local hires, those hired before or after the treaty. I thought one of the things the treaty did was say that no more American citizens would be hired for the Panama Canal zone.

Mr. THALE. No more American citizens would be hired? We hire American citizens in the Panama region.

Mr. FORD. Weren't the Americans to be phased out and replaced by Panamanians?

Mr. THALE. Not in the school system, no, sir.

Mr. FORD. Well, where was there an exception made for the school system?

Mr. THALE. We were transferred to the Department of Defense Dependents' School System, and we are following their regulations, that to teach in that system, you must be a U.S. citizen, and we did have some special exemptions to that made because we did have some Panamanian citizens teaching.

In fact, we still do. As I mentioned in my statement, there are still some locally hired Panamanian citizens, but those are the exception to the rule. In fact, there is no policy at this time to hire any additional Panamanian citizens into the school system. They are the ones that are being phased out in that respect because of the regulation that requires U.S. citizenship to teach in the schools.

Mr. FORD. The statute you are talking about was originally passed in 1979 and was modified again in 1984, and it was predicated on the assumption that the reason for differentials in pay and allowances not applying to the permanent duty stations in Panama was that they were going to be phased out.

What you are suggesting to me is that the treaty notwithstanding, the Defense Department is locally hiring American citizens anyway.

Mr. THALE. That is true.

Mr. FORD. Now, I do not know how I could fix that up without trying to pass a law that is in contravention of the treaty, and I get knocked off the floor by a point of order as soon as I try to go there.

I think you had better have a look at that and see if we even want to meddle with it. It looks like you are getting away with something now that you are not supposed to be getting away with, and it would be better if we did not focus on it and try to fix it and call it to somebody's attention.

Mr. THALE. There is no requirement to phase the school system out before the year 2000.

Mr. FORD. But there was a general prohibition against any of the various United States agencies that were in the Panama Canal zone replacing their employees with more Americans.

Mr. THALE. This is true for the Panama Canal Commission.

Mr. FORD. That was part of the quid pro quo for the Panamanians.

Mr. THALE. But that is also why we were transferred to the Department of Defense instead of being made part of the Panama Canal Commission.

Mr. FORD. That is correct. You were a separate school there.

Mr. THALE. Yes, sir.

Mr. FORD. I suggest you have a look at it with your people who are more familiar than me and my staff, with the Panama Canal treaty, and make sure you really want us to meddle with that before we look at it. We could upset something down there unintentionally.

The language that you are having trouble with does not come from anything we have done with respect to the DoD school on pay allowances. It has to do with the general law implementing the Panama Canal treaty that was passed by a number of committees.

This one was involved only in the special benefits we gave to Americans in the Panama Canal zone to be able to bump into the federal civil service some place else, to save their careers, a very high privilege that has not been given to any other group. The reason for doing those extraordinary things was to accommodate the people who were there working for the United States government when we were no longer going to be in the status that we were in prior to the treaty.

So we will have a look at it.

Mr. THALE. My concern was that 12(17)(d) of the Panama Canal treaty exempted certain allowances for the transfer of function teachers and for the DODDS school system in Panama, and then this was amended by 98-600, which actually then came up with a housing allowance for that particular region, which is a rent minus type of housing allowance.

Then I was concerned the way the bill is presented, that we wanted to make sure that that 98-600 was included as one of the allowances as thought they were state-side hired, that that would continue to apply.

In other words, if a state-side teacher in Panama receives the housing allowance under 98-600, then it is the intent that the grandfathered local hire would receive that same housing allowance. That was my concern.

Mr. FORD. The law that I am looking at is 96-70, two Congresses before the one you are talking about, and the modification for the housing allowance was to mitigate circumstances that were created by this Act.

Now, I do not know how the State Department worked that out. I do not know any of the background of how it was worked out to meet that exception, but that is an exception to the general prohibition, and the general prohibition is moved by the understandings of what the treaty required of the United States through its federal agencies.

That is the reason why there were an awful lot of employees who felt that they had been disadvantaged. At the time of the treaty there were "American citizens" who were third and fourth generation Panama residents working for a canal zone company, and the only thing that would have made them happy is if they made the Panama Canal part of the United States. That never was really seriously discussed, I do not believe, except by some people who always thought it belonged to us.

I think it was Barry Goldwater who said, "We stole it fair and square. We ought to keep it," but that was the level of the discussion at the time of the treaty.

Fortunately the other body had to approve that treaty. As a matter of fact, I was a co-sponsor of the bill in 1984 that put that benefit back in specifically for the teachers, and I do not know how we got away with it, but we did.

If you want to take another chance, we will have a look at it. I gather that there is more than a little government unrest down there, and it would not take very much for your people to become the center of some radical group down there trying to use you as an example.

We deal with this kind of problem with the State Department schools all the time because our arrangements for the status of forces agreements with the various foreign countries on Defense Department employees are considerably different. That is why we are only in 22 countries with our schools and not in 100 countries like the State Department schools, because there are not 100 countries that would let us put a Defense Department school in their country.

We sometimes have trouble where something happens. You mentioned the Azores. There is an international school in the Azores, and I think about a year or so ago the Navy did something that the Portuguese did not like, and so they canceled all of the visas for the teachers who came home for the summer, and they could not come back to teach.

Those kinds of things pop up, and when you have got some unrest in the country, and the United States is, at least with one group, not the "good guys," all of a sudden we find our teachers caught in the middle.

So we would be kind of chary about fooling with that unless we know exactly what we are doing, but we will take a look at it.

Now, listening to Mr. Rollins, one question occurred to me. It sounds like what we ought to do is take these teachers out of civil service altogether. How would that strike you?

Mr. ROLLINS. Presently we are an accepted service, treated many different ways.

Mr. FORD. You are an excepted part of the civil service.

Mr. ROLLINS. Yes, sir. I know.

Mr. FORD. Except that you are different like other groups of employees are different, but you mentioned, for example, the limitations on your collective bargaining. What collective bargaining would you have without the Civil Service Reform Act of 1978 as a matter of law?

Mr. ROLLINS. As long as we stay civil service, we have limited bargaining under that law. If we were not under civil service——

Mr. FORD. You also have job protections under that law, don't you, and access to the Merit System Protection Board?

Mr. ROLLINS. With some exceptions, yes, sir.

Mr. FORD. Now, we could meet all of your suggestions here by simply excepting you altogether from the civil service requirements.

Mr. ROLLINS. It would give us the right to bargain everything.

Mr. FORD. I take it that you would like to be excepted from some of them, but not all of them?

Mr. ROLLINS. If we had the right to bargain all of the working conditions, you may have a point.

Mr. FORD. Well, you may or may not, depending on what happened, who came and organized these people. You might not even end up being the union.

Mr. ROLLINS. That is true.

Mr. FORD. The Teamsters may organize them.

Mr. ROLLINS. That is possible.

Mr. FORD. That is something you want to think about, I suppose, but you gave us a lot to think about with the changes that you want made in the statute.

I have to suggest to you that some of them look like things that we can do something about, but to come in here with this broad "something for everything" kind of approach that you gave us, everybody who is overseas ought to be eligible to be hired as a local hire, and that is literally what you are suggesting, has never been in any of our discussions with your organization or the other organizations.

Where does this now come from?

Mr. ROLLINS. All I am referencing, sir, is that the federal employees all be treated the same as they are now, and that they continue to be given consideration for employment locally. I have not referenced any other body of people.

Mr. FORD. Well, what do you think is being changed with respect to the legal status of federal employees by this bill?

Mr. ROLLINS. Based upon your point before, which is news to me, about the statute versus the regulation——

Mr. FORD. I do not find that as a surprise. It is news to the head of personnel for DoD.

Mr. ROLLINS. And it is news to us.

Mr. FORD. Who sent out the regulation that I was reading from? I do not read all that comes from the Departments, but I thought at least the people who put them out read them. I am a little bit surprised when I find them throw up their hands and say, "Well, this is the way we are doing it, and we sent out this advice to people that this is how it should be done, but that is not how we are doing it."

If this was strictly on a military side, that would last about three seconds, very short seconds. We are not trying to make things more difficult for people, but you are not going to help us very much, and I hope you will stay around and hear the other groups who want to be included now because there are a lot of people who agree with you.

I have got a letter down in the office from somebody who retired from the military, who wants to know why since they are retired they cannot get preference to be a local hired teacher because they like the DoD schools, and they want to live in Europe on their retirement and send their kids to the DoD schools. We are having a little trouble with that.

We cannot take care of every American who wants to live in Germany. That is the first thing that I learned for a long time about these schools. I think I would like to ask you to take a look at how serious you are about the changes that you want made in this statute because I want to tell you very honestly on the record I opposed your proposal and the Federation's proposal as it was originally presented to us for a number of years.

We worked with both of you trying to figure out a compromise that would accomplish for the federal services, as well as your membership, an improvement, and I thought that is what we had put together here.

Now, it seems like you do not want to take any of the things that looked like a compromise. You want to take that part that you started out with, but not the quid pro quo for getting that part, and I would guess that without a balance between the needs of the teachers and the needs of the federal service that this legislation will not see life. It just will not survive under those circumstances.

If we took it raw, with all of the changes you made, it would never get past the floor out there because it would immediately be identified as a scheme by this committee to give a lot of "bennies" to a bunch of federal employees, and that is the reputation unfortunately, or fortunately, depending on your point of view, that we have.

So we have to be able to make a case that we are wearing our hat representing the American taxpayers and the Federal Government's interests from the management point, as well as the individual employees who will be impacted by the legislation. What we end up with here is getting it so case specific that on its face it is going to look very much like what it then would be: just take care of the people that we know now, and let the problem be taken care of in the future.

Five years from now if we did what you said, there would be another bill to grandfather another whole bunch of people into the system, and if we are going to do that, let's just take them out of

civil service and not make the fiction that the protections that these teachers have as a part of the civil service are not important.

So let's let the local principals hire whomever they want and recognize the union if they want to or do not want to, and there would be no rules. That is where you get to.

Now, I can see down the road if you had been here with these suggestions when Don Devine was around, he would be back here in a week with a proposal to contract out the DoD schools, and then I do not know which union, if any, it would be dealing with because you would then be dealing in the same way that the international schools deal, school by school.

Now, that is where you get to with this kind of reasoning. I am not trying to pick on you or your organization, but you are going to have to give them a dose of realism over there that we cannot legislate to take care of the individual problems of a few dozen people and hope to get away with it, if it is going to leave the problems that put them in that position unchanged.

I am, frankly, a little disappointed that you would do this to us at this stage. I wish I had looked at your testimony before the hearing today. That is my fault, not yours, because I understand it has been here for a day or two. But I want you to have another look, and I want you to talk to us some more about it and see just how far you want to go.

Now, in a similar vein, Marie, in your statement you talk about the dual sponsorship for teaching couples, and that presents an interesting dilemma. You are telling us that it is a policy now of the Department to say if a husband and wife apply to teach in DoD, arbitrarily they will say, "Even though you are both qualified, we will hire one of you, and then the other one should go over and become a local hire."

Ms. SAINZ-FUNARO. That is what is happening now, yes.

Mr. FORD. Now, what happened to the transfer opportunity for that spousal local hire?

Ms. SAINZ-FUNARO. No, I disagree with that position. I think both should have been hired in the United States since they were both qualified.

Mr. FORD. Do you have any idea what the basis of that kind of instruction is? Is there any kind of a policy or regulation in writing that we can find?

Ms. SAINZ-FUNARO. I do not know of any, but I know that that happens. No, I do not have anything in writing.

Mr. FORD. There is another situation. You put emphasis on the fact that we should eliminate having two classes of citizens. A fairly recent court decision found that although the practice had been that if there were two teachers, only one of them got the housing allowance and so on, and the other one got the derivative benefits from that.

As a result of that court decision, it would appear that if they hire both teachers, they have to give both of them the housing allowance. Now, I do not know if that means two apartments or have extra money for one.

Ms. SAINZ-FUNARO. As I understand it, and in fact your organization won that case, both would get a housing allowance. However,

the allowance would be as great as the rent, but not to exceed two allowances.

Mr. FORD. But is that not better than an allowance that a single person gets?

Ms. SAINZ-FUNARO. Oh, yes.

Mr. FORD. Or a married person not married to another teacher? So you have got two classes, haven't you?

Ms. SAINZ-FUNARO. Oh, yes, you do.

Mr. FORD. So now you have a special class of teachers married to teachers.

Ms. SAINZ-FUNARO. Well, we have teachers married to teachers. They are both sponsors, and so they each get their own housing allowance. If you have one teacher and one dependent, they would get one housing allowance, not two housing allowances.

Mr. FORD. That is correct. So it is only the teachers married to teachers in the system that have that special status.

Ms. SAINZ-FUNARO. Yes.

Mr. FORD. Is that right?

Ms. SAINZ-FUNARO. And hired in the States, yes.

Mr. FORD. Is that right? I mean it is a two-class system. Is that kind of class distinction as offensive as the other that you enumerated?

Ms. SAINZ-FUNARO. Well, it is all right if they were both hired in the United States and sponsors. I do not have any problem with that.

Mr. FORD. It does now only apply to two people who by reason of being hired in the United States are entitled to the benefits, and that was applied with some sort of rule of reason to say that if the two people went to the same place or ended up in the same place, when they were living together there would be one housing allowance, and one of them would be the dependent of the other for the purpose of all of the allowances.

Now, the other alternative, I suppose, is logical, but it makes no sense, and that is to say to a husband and wife, "If you want to teach with us, we have to tell you in advance that you cannot teach at the same place." And obviously, while that is logical following the reasoning of your proposal, it does not make common sense, and it causes even you to smile at it. That is not what we want to have happen.

As I hope you can now see, this illustrates what kind of a Pandora's box is opened when you start dealing with benefits for federal employees at any level.

Ms. SAINZ-FUNARO. I agree.

Mr. FORD. It can be worked out. Believe me, it can be worked out, but we have 43 labor organizations that deal with this committee for federal employees, and we rarely have them all happy at the same time, and we rarely see any of them get everything that they want.

We are lucky when we can get them anything they want and get the President to sign it. Now, that may change, but there is no guarantee that that will change because we have not had a President since Lyndon Johnson of both political parties who did not turn green every time you ask him to sign something that had a benefit in it for federal employees.

So the likelihood that we are going to elect a President who is going to make himself or herself a hero of the hard pressed federal worker is not very great. They just shy away from the first criticism that shows up in an editorial or an article any place, or the taxpayer's union figures out the cost.

After today's hearing this bill will start to provoke repeats of these outrageous figures that OMB has given us on what this will cost, which escalates by 1990 to $23 or $26 million a year more than the present system.

We are at some loss to figure out how they do that if the grandfather clause works one time and that produces less than a $2 million cost. So they acknowledge that the first year that is all it would cost, but then they project it out, and they project out the effect of giving these benefits over a period of time and get this horrendous—and any amount of money is horrendous these days, with the President and the leadership trying to figure out how to get a budget this year—numbers, and that is the kind of thing that we will see.

Very shortly we will have a little resistance built up because this bill is going to cost some money, and OMB says it is going to cost a lot more money than we say it is going to cost.

Now, if we move now to start locking in a greater universe of people to the benefits, then OMB will revise its numbers again. Those numbers are projected on a limited extension we are making in this bill. If we do as Mr. Rollins says and take in dependents of all government employees wherever they may be found, then they are going to have to make some new estimate, and I can guarantee it will not be conservative in its outcome.

So we have to find out whether we are going to have something that is going to turn into a big, expensive bill that gets carried down by the weight of that, without regard to the merits, and each time that you suggest a broadening of the class of people that you are going to provide benefits for, you have to take into account—and this is from a, quote, liberal, big spender—you have to figure out what it is going to cost because the days of us being able to sell these things on good faith are behind us.

Ms. SAINZ-FUNARO. But, Mr. Chairman, take this scenario. A career DODDS teacher, CONUS hire, whose spouse is a local hire. Now, as the legislation is written, that local hire could not get benefits because she or he has benefits through the sponsor.

Mr. FORD. Right.

Ms. SAINZ-FUNARO. Right. If the sponsor loses the benefits for some reason, retires or divorces or dies, would that local hire, who was working before the passage of this legislation, be given the benefits?

Mr. FORD. The way we read the language of the bill, they would.

Ms. SAINZ-FUNARO. Okay. I need that in the record for the people who have asked me that question a million times out in the field.

Mr. FORD. I am not talking about the status for hiring now. That expires. We are talking now about people who would be locked in, but would not receive a second housing allowance because they are married to someone who is already receiving a housing allowance.

But if they are locked in and they are a permanent employee and that status changes, then the disability to receive the allow-

ance expires as well. You have got to separate the difference between the special status that lets you bypass the system to get hired because you are a spouse and the special status of being in a family with more than one person receiving allowances. They would not be treated exactly the same.

But for the record, and if it is necessary, we will make sure the language in the report that goes to the floor spells that out.

Ms. SAINZ-FUNARO. Thank you.

Mr. FORD. Now, to clear up one other question you had in interpretation, on page 2 of the bill we put language that we believe clearly says that regulations written by the Department may not require that a teacher be resident or interviewed in the United States during the recruitment and hiring process in order to be treated as a teacher recruited in the United States.

Ms. SAINZ-FUNARO. Yes.

Mr. FORD. Now, that is an element of fair play for the temporary hire who now wants to become a permanent civil service employee. It can apply just like everybody in the States.

Presumably, as the Director said, they would get a high priority in the interviews for the job because of their experience, and they say that they value that experience very highly. So while they do not get any artificial advantage, they have the advantage of saying, "I have been teaching here on and off. I taught two years once and another two years, and I never went through the system, and I did not get blanketed in. I want to be hired as a teacher." That would be one of the factors, it seems to me, that would weigh heavily in them being one of the people selected.

There is a disagreement between Mr. Rollins' figures and the Director. The Director said that last year they hired one out of 11 applicants. That was the ratio.

Ms. SAINZ-FUNARO. I do not have figures on that, Mr. Chairman.

Mr. FORD. Your figures seem to indicate that teachers did not want the jobs.

Mr. ROLLINS. If I may restate that, our figures are very clear. We have an absolute number of people that were recruited, and we also know how many offers were made, and that does not mean they did not get the best qualified person, but on a ratio of one to four is what they got. They offered over 2,000, and they got 517.

Mr. FORD. Are we talking semantics now? What the Director says is that one out of every 11 applicants was selected, and you are saying that 500 out of 2,000 offers of a position were accepted.

Mr. ROLLINS. Yes.

Mr. FORD. Well, how do those two things mesh?

Mr. ROLLINS. One is how many people actually applied for the system.

Mr. FORD. Out of that 6,000?

Mr. ROLLINS. Out of that they only offered 2,000 jobs, roughly, offers. They did not need 2,000, but they had made that many offers because to end up with 517, they had to make over 2,000 offers. To get the 517, they did not fill all they needed.

Mr. FORD. That is not unusual.

Mr. ROLLINS. I am just saying those were the figures.

Mr. FORD. Mr. Stockman used to tell us we did not have any trouble with federal pay because if you announced an opening for

50 letter carriers, you would have 5,000 people show up. But it is not at all unusual for us to see a register with literally thousands of people on it, and they have to go through hundreds to get somebody who on the day of the job is available is still willing to take it and they have not found something different or they have not made other commitments.

So it is not unusual for any kind of a federal register to have that kind of a result. If the economy suddenly went wild and all of industry jumped back up and steel mill jobs and everything else were there, I suspect that to get a letter carrier, you would have to go through thousands to get one.

But while things are the way they are and those other, higher paying jobs are not available, you would probably get a better return when you go back to them.

This business about having people apply 18 months ahead is not really all that startling because we do not give examinations for all of the positions in the government every day. Most of them are opened at the maximum once or twice a year, and so you cannot just go down and say, "I want to take an examination to be a GS-10 aircraft mechanic."

You can go down when that examination is open, and they are going to add more names to the list, all of which is by way of trying to get you to see that we are not talking about General Motors. We are talking about the federal civil service.

It would work much better, in some people's view, if you could go back to General Motors before the UAW and let the foreman hire whomever he wanted, the more pliant, adaptable workers.

The principal can hire the teacher that tells him they are not going to join one of those troublesome, damned unions that make life unbearable for them. Now, you would be screaming your head off if we let that happen.

But you are going right along with them in saying that you want to give that discretion to the principals for all of this local hiring. Do principals look at people and see a complete blank? They do not see the color of their skin, their sex, their religion, their nationality? They do not see any of those things when they are making this subjective judgment about who they want to hire? They do not see whether or not they are friendly when they come to the club or unfriendly?

That is the old fashioned way of hiring teachers. "Be nice to me and I will be nice to you. Wash my car every Saturday in your senior year, and I will find a job for you in my school district." I thought we put that behind us.

I do not want to see us with the federal work force go back and reverse the clock for everything that both of the organizations sitting here at the table have fought for for 40 years in this country. But that is what I hear because of your anxiety for a small group of people who have a particularly difficult problem.

They should never have been allowed to get into that mess, and it is only because of that that people like me consider that we ought to pay the bill for the mistakes that were made. I do not know how you are ever going to have a professional teaching force if the word goes forth that all of the good jobs will be held until they can locate a friend to fill them through local hire, and only

after we have exhausted our list of friends and relatives will we let you come from Iceland or Korea or the Panama Canal zone and come to Germany.

Ms. SAINZ-FUNARO. I would like our position clear, Mr. Chairman. We support, first, the transfer program, then CONUS hires, then local hires. That is our position.

I do not recommend that positions be held for local hires after the transfer program.

Mr. FORD. You have no problem with putting a one-year limitation on local hires?

Ms. SAINZ-FUNARO. With this new piece in your legislation where they can apply to teach, they can apply that way. It is a question of having an opportunity to apply for a job. With this new piece on page 2 that we just looked at, they can now apply through the civil service system, and so the one-year limitation is really one year to apply for the position, it seems to me.

They can continue to apply for a position and, hopefully, if they are accepted, will be considered for the position they are currently in. We would hope that would happen.

Mr. FORD. Not likely.

Ms. SAINZ-FUNARO. Well, we will see.

Mr. FORD. Somebody has to replace the teacher in Iceland who is going to go to Germany.

That is really at the essence of this thing, and maybe as representatives of the teachers involved, you can figure a way off of the horns of this dilemma.

Then you have people saying, "I want to teach, but only if I can teach where I want to teach, and I have other reasons, other than being a teacher in the Defense Department, why I want to live at this particular place in the world," whether it is being married to a local national or they would like to spend five years studying the Alps or whatever it might be.

That is what they have in mind. Now, which is important, the ability of teachers to know that they get a fair shot at openings in desirable areas or the ability of a teacher to stay where they are and, in effect, say, "I will continue with this system, but only if you leave me where I would like to be"?

I am surprised that the Defense Department is so liberal in this because I would not have any idea what would happen to an officer's career pattern if he tried to operate the same way. If you happen to end up where you want to go, it is usually about as sure as buying a lottery ticket and winning the lottery. Everybody who was in the service will tell you that they believe there was a super computer that could figure out the wrong place for everybody, and that is where they put them.

That, I am sure, is true in Detroit and Pittsburgh and Los Angeles, too, that there are teachers in the boondocks who would like to get into the nice school on the other side of town. This is not a unique phenomenon. It is more fun to be in Germany than it is to be in other places or in England. That is the way it is in real life.

There are teachers who spend years waiting for the seniority system to give them a chance to move across the tracks, and I would be hard put to find any city of any size in this country that does not have a one side of the track and another side of the track

school system, a new high school with swimming pools and everything else, and an old high school without a lunch room.

The teachers unions protect the right of the teacher in the boondocks to have a fair shot at getting into Valhalla.

Ms. SAINZ-FUNARO. That is my first position. Those openings must go to the transfer program, absolutely.

Mr. FORD. I am satisfied.

Mr. Goodling.

Mr. GOODLING. Thank you, Mr. Chairman.

Two comments. One, I would hope that local administrators, the local supervisors, the local superintendent, the local teachers would play a role in selecting who it is that teaches, and you might have fought as I did to get away from school boards making decisions in relationship to who you hire and whether they smile or whether they are a relative or whether they are something else, but that does not apply to administrators. To me that would be returning to school boards hiring staff.

The second comment, I would think in my answer, Ms. Sainz-Funaro, to your question to the chairman would be just the opposite of his answer, and therefore, I think it is very necessary that that be clarified because I would not read the CONUS person retired, divorced, et cetera. I think the legislation is saying the spouse would be protected who was also teaching.

So I think that would need clarification, and I think the chairman indicated and we will make sure that that was clarified.

I have no other comments.

Mr. FORD. Thank you very much. Thank you for your cooperation.

Perry Shankle, President of the American Foreign Service Association, and Sydney Hickey, Director of Government Relations for the National Military Family Association.

[The prepared statement of Mr. Shankle follows:]

STATEMENT OF ARTHUR P. SHANKLE, PRESIDENT, AMERICAN FOREIGN SERVICE ASSOCIATION

The American Foreign Service Association (AFSA) appreciates the opportunity to appear before the Committees this morning to speak on H.R. 3424, the Overseas Teachers Act. As the professional association of members of the foreign service and the exclusive representative of Foreign Service employees in the Department of State and the Agency for International Development, AFSA is concerned about the effect of this proposed legislation on Foreign Services spouses and our children. Our concerns are shared by the American Association of Foreign Service Women, members of which have accompanied me today.

AFSA wants above all to ensure that the DODDS system maintains the highest possible educational standards; after all, our children attend these schools, as mandated in State Department regulations. We firmly support the idea that local hires should be held to the same high standards as stateside hires, but we are uncertain as to the efficacy of the reforms proposed in the Overseas Teachers Act. Particularly disturbing is a provision which would discriminate against Foreign Service spouses by denying them an exemption which is accorded to military spouses. Foreign Service dependents attend these schools just as military dependents do, and we can see no reason why military families should receive preferential treatment.

AFSA applauds the efforts of this bill's sponsor, Chairman Ford, to provide for fairer and more efficient staffing of Department of Defense dependents' schools (DODDS). However, we are concerned that this legislation may in fact have the opposite effect on the DODDS system, establishing inequitable hiring practices and allocating financial resources in a less cost-effective manner. This would have an obvious detrimental effect on foreign service spouses who teach, but it could also have

much wider ramifications, compromising the quality of the education of all students enrolled in the DODDS system, including the children of Foreign Service families.

The Overseas Teachers Act is designed to remedy a perceived problem resulting from the existence of two different categories of DODDS teachers: local hires and stateside hires. Arguments in support of this legislation emphasize the fact that stateside hires are subject to a more comprehensive screening process. Our conversations with DODDS have confirmed that this is the case, but they have also indicated that the system used to obtain local hires produces teachers who are every bit as qualified as those recruited through the stateside system. The fact that there are differences in the two hiring systems does not necessarily mean that there are in differences in teacher quality. Indeed, DODDS applies the same performance standards to both local and stateside hires; any employees who do not meet these standards do not remain within the DODDS system, regardless of the manner in which they were hired.

The proposed legislation mandates that any local hires brought into the DODDS system after the bill's enactment may not teach for more than one year, unless they then reapply for employment as stateside hires. Implicit in this plan is the idea that it is necessary to have some sort of special "filter" for local hires to assure that substandard teachers are weeded out. While AFSA disputes the implication that there is a greater need for such a filter with local hires than there is with stateside hires, it should also be emphasized that a mechanism already exists for weeding out substandard instructors: the teacher evaluation process.

Officials at DODDS are concerned over the prospect of losing talented, experienced teachers after one year simply because they were locally hired. Such a plan would surely add to the teacher turnover rate, increasing instability in a system which, by its very nature, is already plagued by frequent personnel changes. This is hardly in the best interests of the students who attend DODDS schools, and it is also a less cost-effective approach. An increase in turnover means an increase in overall hiring costs—more teachers must be recruited, more paperwork must be processed, and a larger administrative structure must be created.

Transportation costs will also increase, not only because more teachers will be moving back and forth between the U.S. and the DODDS schools, but because there will be fewer local hires employed whose travel expenses are covered through their spouses' employment. Similarly, DODDS will have to allocate more of its budget for items such as housing and employee insurance, since its employees will include a smaller percentage of civilian government spouses. These cost increases will put a strain on the limited budgetary resources of the DODDS program, and the ultimate losers will be the students.

H.R. 3424 would hit DODDS particularly hard in some of its less-desirable outposts. While there may be an ample supply of qualified teachers for positions in certain countries, this is not the case in other locations. Foreign service spouses can play a crucial role in filling these hard-to-fill positions, and it is ill-advised to disqualify this invaluable source of skilled educators. It would also be unfair to the spouses themselves, who already face innumerable roadblocks in the effort to maintain a viable career while moving from one overseas post to another. The State Department attempts to aid these spouses in finding employment abroad, but job possibilities are extremely limited, and this bill would limit them that much more.

It is unfair that this legislation would apply to the spouses of civilian government employees, but not to military spouses. AFSA can find no rational basis for making this distinction. The U.S. Government is the employer for both military and civilian employees, and both categories of workers have children enrolled in DODDS schools. Foreign Service parents have just as much interest in providing their children with a quality education as do military parents, and Foreign Service spouses have just as much right to teach in the DODDS system as do military spouses. AFSA has no objection to H.R. 3424 if it is simply designed to do away with so-called "tourist hires", but if this is its intent an exemption should be provided for all government spouses, both military and civilian. To do otherwise would be blatantly inequitable, and could have a critical effect on the quality of the DODDS system.

Concern over this legislation is not limited to the Foreign Service. AFSA has spoken with officials at other government agencies who have personnel overseas, and they have emphasized the same points I have been making. Most revealing is the fact that DODDS itself is opposed to the Overseas Teachers Act. DODDS officials are, in our view, the best-equipped people to assess the probable ramifications of this legislation. We urge you to listen to their recommendations, and to ours, so that we can preserve the integrity of the DODDS system; at stake is nothing less than the quality of our childrens' education. We all share a commitment to ensure

that DODDS maintains the highest educational standards possible, and AFSA is prepared to assist the Committees in the pursuit of this goal.

Thank you for allowing us to testify today. I would be pleased to answer any questions, as would my colleagues from the American Association of Foreign Service Women.

STATEMENT OF ARTHUR P. SHANKLE, PRESIDENT, AMERICAN FOREIGN SERVICE ASSOCIATION

Mr. SHANKLE. Thank you, Mr. Chairman.

As the professional association of members of the foreign service and the exclusive representative of foreign service employees in the Department of State and the Agency for International Development, NFSA is concerned about certain provisions of this proposed legislation on foreign service spouses and our children.

Our concerns are shared by the American Association of Foreign Service Women, some of whom are with me here today.

Above all, AFSA wants to insure that the DODDS system maintains the highest possible education standards. After all, our children attend these schools where they are available to them.

We firmly support the idea that local hires should be held to the same high standards as the state-side hires.

Our problem is with the provision which would discriminate against foreign service spouses, denying them an exemption which is accorded to military spouses.

Foreign service dependents attend these schools, as military dependents do, and we ask that foreign service families not be discriminated against.

AFSA applauds your efforts, Mr. Chairman, to provide the fair and more efficient staffing of DODDS. However, we are concerned that this legislation may, in fact, have the opposite effect on the DODDS system, establishing inequitable hiring practices. This would have an obvious detrimental effect on foreign service spouses who teach.

H.R. 3424 would hit DODDS particularly hard in some of its less desirable outposts. While there may be an ample supply of qualified teachers for positions in certain countries, this is not the case in other locations.

Foreign service spouses can play a crucial role in filling these hard to fill positions, and it may not be advised to disqualify this invaluable source of skilled educators.

It would also be unfair to the spouses themselves who already face innumerable roadblocks in the effort to maintain a viable career while moving from one overseas post to another.

The State Department attempts to aid these spouses in finding employment abroad, but job possibilities are extremely limited, and this bill would limit them that much more.

It is unfair that this legislation would apply to the spouses of civilian government employees, but not military spouses. AFSA can find no rational basis for making this distinction.

The United States government is the employer for both military and civilian employees, and both categories of workers have children enrolled in DODDS schools. Foreign service parents have just as much interest in providing their children with a quality education as do military parents, and foreign service parents should

have the same right to teach in the DODDS schools as do military spouses.

Concern over this legislation is not limited to the foreign service. We all share a commitment to insure that DODDS maintains the highest educational standards possible, and AFSA is prepared to assist the committee in the pursuit of this goal.

Thank you for allowing me to say a few words today, and I would be pleased to answer any questions you have.

Mr. FORD. Thank you.

Sydney.

STATEMENT OF SYDNEY TALLY HICKEY, DIRECTOR, GOVERNMENT RELATIONS, NATIONAL MILITARY FAMILY ASSOCIATION

Ms. HICKEY. Thank you, Mr. Chairman.

The National Military Family Association, NMFA, is an all volunteer, nonprofit organization whose sole focus is the military family and whose goal is to influence the development and implementation of policies which will improve the lives of those family members.

NMFA appreciates the opportunity to express its views to this committee.

Military families are extremely concerned about the quality of education the students attending DODDS schools receive. Ninety-five percent of these students are our children.

NMFA has long supported DODDS's efforts in establishing standards of credentialing for all DODDS teachers, as well as continual monitoring of teacher performance.

NMFA particularly applauds the current proposals of DODDS to initiate uniform teacher appraisal and the collection and dissemination of meaningful test data for each of the 269, and we understand now, 270 DODDS schools.

The provision of HR 3424 that first priority for assignments to teachers holding positions within the DODDS system seems fair and just. A teacher located in a hardship area should be able to anticipate a transfer to a more desirable location.

NMFA concurs with the provision to exempt military spouses from the one year rule. It recognizes the difficult employment situation faced by spouses who accompany their military sponsor on government orders to overseas areas. Lack of spousal employment overseas has been a major dissatisfier for military familes. Department of Defense studies show dissatisfied military families have a strong adverse effect on the retention of experienced and trained service members.

Spousal hiring preference overseas began in the 70's and has substantially increased the number of military spouses who are employed. Many of these spouses have found employment within the DODDS system as local hires. In April 1987, 21.03 percent of DODDS full time teachers were military dependents. NMFA is troubled by the provision in the bill that would put local hires at the very bottom of the priority list. Without local hiring military spouses would be blocked from a major source of employment. Bureau of Labor Statistics show that nearly one-fourth of women who earned bachelor degrees between 1959-60 and 1984-85 held

education degrees. In the overseas military community—a microcosm of the general US population—nearly one-fourth of college educated military wives are qualified to teach. This figure does not reflect those who hold degrees in specialized areas such as chemistry, physics, mathematics, and would be qualified to teach these subjects in the DODDS secondary schools.

State-side hire for the DODDS system is of limited value to military spouses who desire to continue their teaching career at the sponsor's duty station. DODDS begins its state-side recruiting effort for the school year at least 12 to 13 months in advance. Military families do not have the luxury of knowing if they are going to be transferred a year in advance, much less where they are going to be assigned.

A teacher hired by DODDS in a state-side hire is assigned to meet the needs of DODDS, which is, of course, an obvious necessity, but could well result in a military spouse teaching in the Philippines with her sponsor in Germany.

Unlike what Mr. Scott said in his testimony, it is our understanding that you may request a country. You may not ever request a school. So even if you requested a country, if you were able to compete and qualified because you did know where you were going and when you were going, you could be teaching in one corner of Germany and your sponsor stationed in another.

Therefore, military spouses are essentially unable to participate in the state-side hiring program as it is now configured.

The big question is: is the quality of education within the DODDS system altered by large percentages of local hires? When the number of local hires began to increase substantially, DODDS undertook a study in the late 1970s to ascertain the answer to this question.

At that time they found no difference in the quality of teacher, whether hired locally or through the state-side program. Statistical evidence in the ensuing years show that there has been no change in the original findings.

With 384,723 military dependents overseas, NMFA has never heard a complaint from families regarding a military spouse teacher. In actual fact, many feel the military spouse is far more capable of dealing with the special needs of our transient military children than others less experienced in the military life style.

I must reiterate that military spouses do not have absolute preference for DODDS teaching positions or for any other civil service position. They must be among the best qualified of the applicants for the civil service preference to work.

The military spouse, as other speakers have mentioned, is also a tremendous financial bargain. If the current DODDS budget must absorb the additional strain of paying moving and living expenses for large numbers of state-side hires, what programs will suffer?

Currently, counseling services for elementary students have been severely curtailed, as have fine arts and physical education programs. Will textbooks and program materials be next?

Military spouses who are teachers are qualified. They are experienced in the military life style and offer substantial monetary savings to the DODDS program.

The current requirements of DODDS state-side hiring effectively preclude the military spouse from consideration. Their primary access to the DODDS system is through local hire.

NMFA respectively recommends that qualified military spouses have at least the same current employment priority within the Department of Defense School System.

Thank you, Mr. Chairman.

Mr. FORD. Thank you.

Now, at this point this morning we have expanded to the Defense Department civilian spouses, expanded to the State Department spouses, and I am not quite sure what you want to change with respect to the military spouses.

What about this bill bothers you about the military spouse treatment?

Ms. HICKEY. Military spouses are not, under current state-side restrictions and even, I think, sir, under this proposed law, able to effectively compete for state-side employment. They must complete only at the local level.

Mr. FORD. But they do not have to. We do not take away from the military spouse, while in fact they are a spouse, the preference that they now have.

Ms. HICKEY. But if the local hires are the lowest priority of hiring, how is she/he ever going to be hired? How can they get into the system?

They cannot compete state side.

Mr. FORD. They now make up what percentage?

Ms. HICKEY. 21.3 percent of DODDS teachers are military spouses.

Mr. FORD. In Europe it is closer to 34 percent.

Ms. HICKEY. I think that figure may be of DODDS teachers across the board, not full-time teachers. The figure for full-time teachers was the same figure that Mr. Scott gave earlier and that we got from Mr. Scott, as a matter of fact.

Mr. FORD. All right.

Ms. HICKEY. And, Mr. Ford, he did give us a 34, or around that, percent figure for all DODDS teachers that are military dependents, but of the full time, it was 21.03.

Mr. FORD. Well, it has not been our intention in structuring this legislation to take anything away from military spouses that they had before.

You have heard the discussion here this morning, and there seems to be some confusion about what they had between what is being done in some parts of the world and what the law and regulations have provided for.

Ms. HICKEY. If I could take just a moment, I think perhaps I could clarify some of that. There was an Executive Order signed by the President in the 1970s, which gave spousal preference in hiring to both DoD civilians and to DoD military spouses.

The law that you have been referring to, which is the Military Family Act of 1985, gave preference to military spouses at the civil service level of GS–7 and above. That was amended in 1986 to GS–5 and above.

The implementation of these regulations has been exceedingly slow in all areas of the Department of Defense. The Navy, for instance, put out their regulations on this in July of this year.

There are Members of Congress who feel that the implementation has been questionable because time limits have been put on the use of this preference, which was not the intent of Congress when it enacted the law.

Most of the spousal preference for military spouses that have been hired as DODDS teachers has come under the Executive Order.

Mr. FORD. The 1985 Act does specifically deal with the teachers and gave me, as a matter of law, this civil service exemption for local hire.

Ms. HICKEY. Yes, sir, it did, but very few have been hired under that. The percentage of military dependents that have been hired as teachers in the DODDS system has not gone up substantially since that date.

It is the ability to be a local hire that we have problem with in 3424. The local hire is at that lowest priority. Will there, indeed, be any jobs?

Mr. FORD. But you are not concerned about any impediment to getting the job. It is the way in which the available positions would be rationed out.

Ms. HICKEY. That is correct. Right now 33 percent more military dependents work for the Federal Government overseas than they do state side. That is for officer's dependents. It is 28 percent for enlisted wives. So federal sector employment overseas is vital to spousal employment for military wives, much more so than it is in the United States, and the DODDS system is one of the strongest ones.

If we use Bureau of Labor statistics, essentially a fourth of the women who would be in a teaching age now in this country have education degrees. We can assume a fourth of our college educated military wives overseas are eligible to teach, and that is just those with education degrees. That does not include those that have chemistry or physics or mathematics or whatever degrees and could teach in the high school.

So by putting the local hire at the lowest priority, we would be denying a fourth of our college educated military wives a right to work.

Mr. FORD. Well, that is one way to look at it. We have heard from everybody today about what an asset the military wives are to the school, and I will not question that, except that there is a problem that occurs when a person in the military, man or woman, is ordered to leave and the spouse accompanies that person in the middle of the school year.

The answer to that, I take it, is, "Well, that is not something they have any control over." How would you react to one suggestion that has been made to us that prior to hiring military wives as DODDS teachers, that DODDS would request an assurance from the appropriate military authority that the nonteaching spouse will not, except in extraordinary circumstances, be transferred during the school year.

Ms. HICKEY. It is my understanding that there is a congressional resolution that has been passed which states that the Department of Defense will not move Defense personnel, Armed Services personnel, who have children of school age, except during the summertime unless extraordinary circumstances exist.

Mr. FORD. I am glad you stated that was the sense of the Congress resolution, which means nothing, because we pass those every Monday by the half dozens.

I do not want to denigrate the dignity of the institution, but the President does not even bother to look at them, this or any other President.

The point is that there is a problem that is the flip side of the basic reason why you want to give the military wife this preference, and that is that there is not his or her performance as a teacher, but some outside factor, the career of the spouse, that dictates that they leave during the school year, and that gives the school a vacancy.

Now, if you are in a location where all of the educated wives, as you referred to them, who are qualified to teach in high school are already hired as local hires, where do you go to fill that slot for the rest of the school year?

Ms. HICKEY. I concede that the transfer situation could conceivably be a problem. I must refer back to the fact that although we get daily complaints about something within the DODDS system, we have never, since 1969 when this organization came into being, had a complaint about a military spouse teacher. That would include, I would assume, her or him departing in the middle of the school year, which suggests that perhaps we need to depend upon Mr. Scott and Dr. Stremple to come up with those statistics, as they said they would do, to see if this is statistically a problem.

Mr. FORD. We can give you some statistics. We have talked to the people who tell you it is a problem, the school administrators who find themselves caught, because what frequently happens is that you move a lot of people at one time, and when you move them, you move a whole segment of their teaching force during the school year, and because unofficially what DODDS has been doing at least in Europe is giving first preference to the military wife or husband. So they hire them until they run out of them, and then that does not leave you any substitute teachers. That does not leave you anybody that is not hired when you have an emergency, like a sudden move.

That is the flip side of the advantage of saving all of this money by somebody who is going to be shipped overseas as a dependent anyway. It sounds good to the defense committee to cut their budget this way, but it does not sound so good to the people who are worried about whether or not they are going to maintain their accreditation as a school.

One other caution. I take it you are not a teacher by profession.

Ms. HICKEY. No. I am a nurse.

Mr. FORD. Well, one of the interesting things about the certification of teachers is that while I have an earned Bachelor's degree and an earned Doctorate degree and I think approximately 15 honorary Doctorates, I could teach at any college or university in the United States, but I cannot teach in any high school in the United

States because I did not take courses to turn me into a teacher. There is a difference.

Ms. HICKEY. That is why I quoted the statistics on the people who had degrees in education.

Mr. FORD. So you have no quarrel that it be limited to Defense Department wives or military wives who would be qualified to teach in a state-side school at the same grade level?

Ms. HICKEY. None whatsoever, and it is our understanding from DODDS that the teachers, for the most part, except for the emergency temporary hires which are simply that, to fill out a school year, are fully qualified.

Mr. FORD. You see, when we originally did this, there was also a requirement that you have teaching experience before teaching for DODDS, and that fell by the wayside some place over the last eight or ten years. So you do not have to have any prior teaching experience to be hired as a teacher.

Now, on the face of it, is a person with no teacher experience at all, but the same education credentials as someone who has been teaching for several years equal when you submit them for the local person to pick from?

Ms. HICKEY. I am not an educator. I am a parent.

Mr. FORD. Well, let's make it nurses.

Ms. HICKEY. No, I am a parent. I would like to deal with this question. I am a parent, and I have had children who have had two teachers who have identical qualifications, and I can guarantee you one is a whole whale of a lot better teacher than the other one.

Mr. FORD. Well, my daughter is a nurse, and I think she is better than the other ones, too, but that is the whole point. There is in this process for professionals some way of determining their qualifications, and there is a general, common sense rule that experience counts for something.

There was a time when that experience was a requisite. It got lost. I do not know when it got lost. It used to be two years originally and then it became one year and then it became no experience, and they had all kinds of reasons for the two-year rule and the one-year rule, and I do not know what caused them to panic and drop that.

But the system has sort of drifted along. I am glad that they finally got it moving on this legislation because I am having a chance to focus on it again, and it is not operating the way the Defense Department told us it was going to operate a few years ago.

Let me see if I can pick on the State Department a little bit.

I have already heard from some of my friends in the State Department about this. Why does the bill discriminate against State Department people?

Well, the why the bill discriminates against State Department people or for the military spouses is what I cited earlier. It did not come out of this committee and it did not come out of the Education Committee. It came out of the Armed Services Committee that was, as it generally is, moved by the military forces saying, "This is an extra benefit we can give for retention of people. If we can offer this employment, it will help us to keep people that we want to keep that are trained noncoms and technical officers, officers with a technical proficiency."

So the legislation to give them that special treatment is on the books, not as a matter of any policy with regard to improving the DODDS schools and not as a matter of any policy with regard to improving the civil service law, but as an accommodation to the services in retaining military personnel.

I know of no similar initiative from the State Department. Maybe your association wants to look into it.

Now, it seems to me that if the State Department feels that the availability of jobs in these schools is of sufficient value to improve the morale and the retention rate of their foreign service officers, that they ought to come down here and tell us that, and so far they have been silent.

I can understand why you have to be here: because you have got members who are directly involved, and their status they perceive to be threatened in some fashion. So far as I know, we have not, until now, given the State Department spouse the same kind of priority for hiring that the military spouse has had.

The Executive Order, when it talked about Defense Department dependents, may be the genesis of how civilian employees of the Defense Department were treated like the military, but those conditions have arisen in the past and given rise to a whole potful of people out there that are neither fish nor fowl, and when they are left stranded, they have no rights, no benefits, and we are trying to find a way to get those.

Now, the Defense Department is paying the bill for these employees. It gives them a chance to call the shot.

I might make one further observation. The Defense Department and the State Department have not in the past treated their dependents the same. I was partly responsible for getting Mendel Rivers to provide space available transportation for military dependents for the first time.

When we went to dormitory schools in Germany as they were breaking for the recess at Christmas or Thanksgiving, we found two kids in the same room. The kid in the lower bunk was a State Department dependent, and he had a first class ticket to fly to the station of his parents. The kid in the upper bunk was going to wait another two days until Daddy could drive all across Germany in his Volkswagen and pick him up.

When we showed that to Mendel Rivers, he was a little upset about it. So he did something to get the Defense Department to make some arrangements, but not anywhere close to the arrangements that were made for the State Department.

I would prefer that all of these dependent kids be treated the same, but the two departments have not been and are not likely to be in phase. If you ever tried to negotiate something between those two Secretaries, you would know that either one of them negotiating with the foreign power is impossible. It took this committee five years to get access for the other schools, which are very essential to your people and that your people operate around the world, for APO purposes so that the kids could get a transcript back here in time to enter college, and it took five years just to get two Secretaries to agree to that.

So getting them to treat dependents equally is something I would be glad to work with you and the Association on, but it is not going

to be easy. They act like they are two different governments on matters of this kind.

I can fully sympathize with this, but I want to ask you if there is a possibility of a compromise for your people.

Mr. SHANKLE. I would like to make one point.

Mr. FORD. One of your state Department people said to me, "How are you going to find local hires in Ankara?"

I said, "You have got a point. I do not suppose a whole lot of qualified teachers who were not married to somebody who had to be in Ankara would be in Ankara at this time."

How would you feel if we were to authorize the Secretary of State, through whatever agency he designates do that, to request of the Department of Defense a waiver for people by specific parts of the world for a period of two or three years? Would that solve part of your problem?

Mr. SHANKLE. I think that would be a very large step in the right direction. As I have learned here this morning, what is practiced apparently is different from what is law, and however this practice has evolved, foreign service spouses have been able to teach, a very small percentage, somewhere around five percent, in the DODDS schools around the world, and we are hoping that this legislation will not put an end to that, so that they can continue to share in that teaching opportunity.

With regard to why the State Department does not address this issue with you, no one has ever charged them of being a particularly enlightened employer. I am not aware that we get much interest in the needs of our employees, including first class tickets.

I have been in the foreign service for 31 years, and I have never had one. Neither has any of my children or my wife. So I do not know who this kid was. He was very, very fortunate.

Mr. FORD. Maybe some people in the foreign service are more equal than others.

Mr. SHANKLE. That may be, but I would hope that that kind of an anecdote would not color the opportunity of people.

Mr. FORD. If it makes a difference between first class and some other class, a commercial ticket was provided for the spring break, the Thanksgiving break, and the Christmas break for the State Department. No transportation was provided for the Defense Department kid in the same dormitory school.

Mr. SHANKLE. But we do have a situation where we do have qualified teachers. I agree that we are not talking about hiring a spouse just because it is a spouse. We are talking about people with the appropriate educational background and with many, many, many years of experience.

We are talking about being able to compete as teachers for teaching jobs.

Mr. FORD. Many of them are teaching, are they not, in the State Department-supported schools?

Mr. SHANKLE. Yes, as are military spouses. Many of them are state-side hire and many of them are local.

Mr. FORD. Well, it seems on its face fair that if it is to be extended to military spouses, it ought to be extended to other people who make the point that they do not pick where they are going to go or when they are going to leave. They are told.

How would you deal with the problem of a transfer during the school year? I have already asked the military spouses that.

Mr. SHANKLE. Yes. I am not sure we would have too much of a problem with that either because we do have a transfer cycle that reacts to the school year. Somewhere over 90 percent of the transfer of our personnel takes place during the summer, June–August, cycle.

I am sure there could be a problem developing that would have to be dealt with, but I do not think it is a large one.

Mr. FORD. I want to thank both of you for your help. One more question about the military dependents, the military spouse. The difference as I see it between what is happening in some places and what this bill provides with respect to the military spouse is that the current status of a spouse accompanying the person in the military is required by the 1985 law, and that is what we thought was being applied.

But we have discovered that people who are either no longer married or the military spouse has retired or the military spouse has gone some place else so that they are no longer an accompanying spouse have been rehired year after year, and they are some of the people that this bill will lock in with permanent benefits.

Do you think it is unreasonable to limit the special preference for military spouse to the time when they are not an accompanying spouse.

Ms. HICKEY. When they are not an accompanying spouse?

Mr. FORD. If you limit it to the time when they are.

Ms. HICKEY. That is fine. That provision we have no real problem with. Conceptually there could be a problem with those that are widowed and for some reason or other would want to remain overseas. I would suspect that would be a very small number.

So basically that provision we have no problem with. Our only provision would be putting the local hires as the very last priority when we feel that military wives cannot essentially compete state side, through no fault of their own.

Mr. FORD. Now I understand you. You have no objection to what we do with the status of this person for hiring and for retention, for that matter, but the objection is to whether or not the prioritizing of already teaching DODDS teachers would eliminate opportunities for employment.

Ms. HICKEY. Yes, and I want to make clear, Mr. Chairman, that we have no objection that first priority should be those teachers within the system. That is only fair and just, and as a matter of fact, it is a benefit to our children. We do not have any problem with that being first priority.

We have a problem with the absolute bottomness of the priority for local hires. Somewhere in there between the state-side hire and the local hire priority, we would like to see a fit for the military wife, military dependent, military spouse.

Mr. FORD. Would you be satisfied if it said that after exhausting (a) transfer, (b) CONUS hire, that when you turned to local hires you would give first priority among equals to a military spouse?

Ms. HICKEY. I think in all honesty to the DODDS system, I have got a little bit of a problem with making state-side hires totally, completely second with everybody else being last. I firmly believe

from all of the information we have gotten that the military spouse actually provides a tremendous service. Put aside the financial savings, which is substantial, but a tremendous service in that school.

Our children are special. Their needs are special. There are a lot of other people who have moved fairly frequently, but very few of them move every two or three years all of their lives, very few of whom are faced with having one of their parents gone a good part of their growing up life. A military spouse understands those problems.

Mr. FORD. Now, the exception we have for the accompanying spouse does not mean that they are both present because we carefully made reference to the permanent duty station, and the husband could be off on TDY for two years some place, and it would not affect the military spouse.

Ms. HICKEY. No, sir. What I was trying to say is that the military spouse is so important to our children as a teacher because she understands the unique life style of the military child.

I just have a problem, I think, because unless I am looking at this entirely wrong and all of our representatives and our wives who have been screaming bloody murder and calling us from Europe are wrong, from the way we look at this, we feel that military wives are going to be excluded from being DODDS teachers. They will fill up the spaces with transfers, which we agree with, and then fill up all of the next spaces with CONUS hires or state-side hires. Where does the military wife fit?

She cannot be a state-side hire.

Mr. FORD. Let's look at the numbers. In 1986 out of almost 9,000 teachers, there were only about 130 of them transferred. So that does not take up much, does it, out of 9,000?

Ms. HICKEY. But is this because the transfer was not done on a first priority basis?

Mr. FORD. I do not have any idea, but that is what the pattern has been, and that is what the teachers are very upset about.

Ms. HICKEY. One would assume that there would be——

Mr. FORD. If you told very many people in the military that they were going to stay in some of the places we have these teachers for the rest of their career, they would wait until the very next opportunity and get out.

Ms. HICKEY. That is why we fully support that being the first priority. We have no problem with that. In fact, we are very supportive of the transfers being the first priority.

Mr. FORD. And then the second priority would be a teacher who is contracted for a period of time without any intervening factors that they can claim is a reason for changing their mind, such as a transfer of a husband or wife. That is our second priority. That is the part that you object to?

Ms. HICKEY. No, sir. The part that I object to is putting the local hire at the very bottom with the state-side hire in the middle of these priorities.

A military wife cannot compete with a state-side hire. You have automatically put her at the bottom of the list. I am not saying the military spouse needs to go above the transfer or even equal with the transfer, but I do wonder if we want to put that military spouse at the bottom of the list.

Mr. FORD. If you were making a career out of teaching in the DoD system, do you think you would feel the same way about a system that said whenever it is handy, they can hire somebody else in the desirable locations in the world before I ever get a shot at it?

Ms. HICKEY. Not if I were a career DODDS teacher, nor are we asking for that.

Mr. FORD. All right. If you were responsible for a teaching force of 9,000 people, the majority of whom now believe that they do not get a fair shot because military spouses and other local hires are in abundance in the most desirable places in the world to be living, how would you feel?

How do we balance the morale of those 9,000 professionals against the needs of a smaller number of people who, for their own individual reasons, would be more comfortable with a change?

Ms. HICKEY. Perhaps I do not understand you, Mr. Chairman. We have said that we agree that the transferability within DODDS should be the first priority. So I think those are the people we are talking about, aren't we?

Mr. FORD. Well, let's see if we agree on something else. Should the military spouses be a primary source of recruitment for teachers or should that be the pool from which the school system there, as it would in the United States, would go out to get temporary teachers?

Ms. HICKEY. I am not sure I can answer that in fairness to the military spouses because I do not honestly know how many openings there are for temporary teachers.

Mr. FORD. You see, I am asking you to think for a moment not as a military spouse. I know that is difficult, but the question is if you are going to maintain a professional teaching force of 9,000—it goes up and down—9,000 approximately, and they are going to have any idea that there is a fair system that says that good service with this system has certain rewards, such as the ability to transfer and so on and so forth, that has to do with what kind of people you get to apply to be teachers.

What if for some reason the Defense Department, after Gramm-Rudman, decided to change the rules on who could accompany a spouse overseas in the military as one fast way that you could reduce expenditures, and we started bringing a whole lot of families home? What then do you do to keep the schools going?

You count on the fact that the families leave with the right level of grade level for all of the kids in direct proportion to the teachers that leave with them.

Ms. HICKEY. I would certainly assume if you have a problem with a great many teachers coming home as spouses, you would obviously have less need for the spouses as teachers.

Mr. FORD. What it comes down to as the basic question is the first objective to try to have a professional public school extend around the world in some 22 countries on a par with a presumed norm in the United States, or as a first objective to deal with the special problems of people who want or are required to live in a foreign country.

Ms. HICKEY. I do not believe that those things are necessarily contradictory.

Mr. FORD. They are not necessarily contradictory, but when you start setting priorities and you say that because of temporary circumstances you can use up all of the available positions in a particular area with temporary hires and not put those into the pipeline, before long, it would become apparent to people intelligent enough to be school teachers that the only place you are going to be able to teach in this system is any place that nobody else wants to teach.

Now, you would never hire a teacher in a big city in this country if you told them that the day that you hired them, "We will put you in the most undesirable location in the city, and only if somebody smiles on you from the central office will you be able to get out of it." Nobody would go into the teaching profession under those circumstances.

I do not know why, as parents of children in this school system, you would want any less committed people teaching your kids than you would expect to find if you were living in one of our big school districts, like Fairfax County.

Fairfax County would not let you do that.

Ms. HICKEY. Again, perhaps I do not understand you, Mr. Chairman. Are you saying that you feel that because a military spouse asks to be hired at the local level that she is a less committed teacher?

Mr. FORD. No. I guess I am asking you to consider what it is we set out to do here. When you get where I am now, up to your tail in alligators, it is hard to remember that you started out to drain the swamp, and what we started out to do was create and maintain a professional core of teachers, which now numbers some 9,000, and treat them like professionals.

Then we have others saying from perfectly understandable perspectives on their part, "However, notwithstanding that concern about the principal objective of operating a school system with professionals, we have people with a special status that ought to come into the equation."

Now, at the point when you let that second group begin to displace people in the first group, you have started to destroy your ability to have the first group.

Ms. HICKEY. But we would fully accept a central credentialing, central qualifying, central whatever you want to call it, position.

Mr. FORD. Well, we intend to see that that happens, too.

Ms. HICKEY. Having done that, if we went your way you would be immediately telling the military spouse, if she is a teacher, that she is not qualified.

Mr. FORD. No. You see what we used to have when we required two years of teaching experience, we knew that some state had qualified that person to be a teacher, and when that requirement went by the boards, then there was not anything put in its place to replace it.

So when you tell me that the teachers today are as qualified from the standpoint of certification as they were when that requirement used to be out there, I do not know how it happens because there is no present requirement that I am familiar with that replaced it.

Now, who in your opinion at the present time is deciding whether a teacher has adequate credentials to teach at elementary or secondary level?

Ms. HICKEY. It is our understanding from DODDS, and that is where we got our information, that they have a set of qualifications or qualifiers that are as high or higher than most of the states within the United States.

Mr. FORD. And that they clear every local hire teacher through that system?

Ms. HICKEY. That they put every local hire against that qualification. It is my understanding from DODDS that there can be exceptions made by the principals at the local level, but that most of the time these are made in extremis for a short period of time, in a March time frame to fill out the school year.

We have no objection to central credentialing. As a matter of fact, we think it is a very good idea. I think it is a physical problem of whether this hiring has to be done through the state-side mechanism or whether it is done by the local hire mechanism.

With the current state-side mechanism, the military spouse cannot guarantee—if they were able to compete and in the wording of your bill, I think they would be even if they were in Europe physically, they could compete under a state-side hire. According to current DODDS regs, they can only request a country. They cannot request a school. They cannot even request a geographic area within a country, and most military spouses that are overseas with their sponsor have a strong desire to live with them.

Mr. FORD. At least that is one good thing that we are able to agree on.

The statute that was passed really authorizing the schools required that the Department would set up a certification program, but no one at the Department has yet been able to answer to me whether that works for people who are hired by the local principal as local hires, whether they are military dependents or other local hires. Tourist hire is the expression that used to be used. I do not know if that is offensive to people to use it now.

You heard testimony a little while ago of even DODDS itself saying if you want to be sure you are both going to be at the same school, we will hire one of you and then the other one should go over and become a local hire, and the reason they are able to say that is that they know damned well that these principals are hiring local first and then looking at the other alternatives afterwards.

And I have to confess to you that I have advised young teachers the same way and say, "Look. If you go through the system, you may never get to Germany or Holland or wherever you want to go. Why don't you take a vacation and go over there and go around and see some the principals and tell them when school is ready you will be available, and you have got a better chance of getting hired than if you go by the rules.

That is what we used to tell people when we had thousands of people trying to get into the system. There is a way around it. Just go over there and wait.

So there is not anybody that is innocent of being involved in this great patronage system that is grown up out there, but if we are

going to have a situation where we allow people, as the several hundred people that have been described by the proponents of this kind of legislation describe, put in a state of limbo, and that is going to recur from time to time, we ought to do something about it, and the only way you can do something about it is to say, "Okay. We will take care of the people who were led down the garden path, presume that everything was on the up and up, and it was the government's fault. We will pay for that."

But then I think it is only fair on behalf of the system to say, "But let's don't let this happen again in the future," and that is what this combination of approaches is trying to do, is to find that balance.

I am pleased to find that it does not bother you that the temporary status for the military spouse is contingent on being in the area of the permanent base, because there were some military spouses in Europe who told me that did bother them. I found one who has not actually been a military spouse for years, but has been rehired year after year, and is from all reports an outstanding teacher, and that person has been in limbo for these several years. We hope to correct their situation, but we do not want other people to follow her into that same situation.

And that is why we are looking at a tightening up while, at the same time, what some people would construe as a give-away of benefits to people who now do not have them.

I am hoping that nobody gives us any numbers bigger than we have because we have trouble already with the numbers. We are going to take DoD at their word and say it is only 303 or 330 or whatever it is and run with it. But it is sort of like John Dent's explanation of the cost of the black lung bill. I am looking down the road, and we are liable to find that we have bitten off a bigger chunk than we expected to chew.

It is pretty hard to figure out what it is going to cost because you have an awful lot of people who are free agents. We cannot operate like the NFL. We do have a free agent arrangement with our employees.

Now, they decentralized this program, and it has been looked at for certification. It has been looked at by the Inspector General, but we still have not been told that, in fact, it gets up to the level when the actual hiring takes place and the principal says, "Oh, I have got to have these people right now, and I will get around to it one of these days."

The directory says the regional directors will notify the Director of DODDS of any educator who is not in the possession of a valid certificate. What happens after that we do not know.

Does the teacher quit teaching until they find a valid certificate? What happens?

So the present certification system is something less than a certification system, and I take it as parents you would like to see that tightened up a little bit so that it meant that when they told you they were putting teachers in your classroom who were certified to be professional teachers that, indeed, they were.

Ms. HICKEY. Indubitably. We would also like to have some meaningful, meaningful test data. Right now we do not. If you look at what you received, you will see that you do not know how many

students took the SAT scores nor do you know how many took the SAT scores last year nor do you know how many in which school took the SAT score, nor do you know how many were in the school or in the class that was offered the SAT test.

If you compare that to the scores that you get state side for a given school, you have actual numbers of students who took the test year after year, the percentage, that is, of the total population, and then that score begins to mean something.

Some of our DODDS high schools are very small. One year you could have two people taking the test. The next year you could have three. Now, depending upon who those two people are and who those three people are, their SAT scores could go up the mountain and down the mountain.

Mr. FORD. Are you sure you are not an educator by profession?

Ms. HICKEY. I am sure that I have a very competent team manager in the education field.

Mr. FORD. We spend a lot of time with the Education Committee listening to people who jump on SAT scores and tell us whether schools are good, bad or indifferent, and I tend to ask the same kind of questions that you do. Fortunately a majority of that committee has never been satisfied to let any Secretary of Education impose some kind of a test that is as weak as that thing is.

For example: (a) you do not take it one time, you can take it until you get the best grade you like; (b) what motivates kids to take SAT tests in the first place; and (c) are they located in a metropolitan area where you take a primer before you take the test?

What it tells you about how much a high school has taught a kid is really pretty primitive. We did not jump on the Director because he does not have much of anything else to look at, and I do not think it is really fair to either side of the point that he was making to use something like the SAT score year after year to tell you whether or not you are teaching children well.

For one thing, you have got kids graduating from your high schools at the time they would be taking the SAT score who probably had most of their education outside of the DoD system. So it is not a very good measure of the DoD system.

Ms. HICKEY. No. We have asked them to see if there is not some way that they can actually follow their students for a period of time, particularly in the secondary schools, feeling that that was more of a real evaluation of how the student was doing.

That is what we hear from our parents, that the child comes back from a given DODDS school and has difficulty competing in Fairfax County, Montgomery County, wherever. That is anecdotal. It is very hard to put your finger on, but there is enough anecdotal information that we figure there must be something out there, and perhaps there is some statistical, qualitative, quantitative way of being able to follow these children once they leave the DODDS school for a year or two years and see how well they do, and maybe that would be more of a help to us all.

Mr. FORD. I thank you both very much, and I wish on behalf of the foreign service offices that you would look at some alternative to the same treatment as the military spouse and look for a less dramatic way to do it and leave it to the two Secretaries, one to

certify the areas that they need and the other to certify for the exemption. That is one possibility.

There may be others that you can think of of some compromise, but I would be very reluctant to simply create another new class of people comparable to the military spouse just worldwide.

Mr. SHANKLE. These people are already there. That is our point. They are already teaching.

Mr. FORD. Well, the people who are already teaching, how are they affected?

Mr. SHANKLE. Well, they would be precluded from teaching, as we understand it.

Mr. FORD. Well, they can finish this year if they are a temporary teacher. How long should a temporary teacher be permitted to teach.

Mr. SHANKLE. Well, they are transferred to another overseas post and they might not be able to compete for another position.

Mr. FORD. No. If this legislation passes and they transfer to another overseas post, I guess on its face they would be barred from being a temporary teacher a second time. Now, that is an exemption that is possible to work out for people who are transferred by the government. That will take care of part of the problem, but not a lot of it.

Mr. SHANKLE. Yes, that would help.

Mr. FORD. Thank you very much, both of you.

Ms. Morella is back. You are so quiet coming in and out that I missed you.

Ms. MORELLA. I must say I am rather overwhelmed that you have persevered to the point you have because I went off to another meeting, and that meeting is now over and I am back; our chairman does have that quality of persevering the things that he believes in, and he also sounds like an educator.

Just putting your testimonies together, because I had a chance to quickly look them over, what you are saying, Ms. Hickey, is that 21 percent of the teachers right now are military spouses, and yet 95 percent of the kids are your children. That is one of the things.

If we take 40 percent as the locals, and military spouse is a part of the locals, right?

Ms. HICKEY. That is correct. It appears that 21 percent of the full-time DODDS teachers are military dependents. There are approximately 35 percent, I think, of DODDS teachers who may be working part or full time who are military dependents.

Ms. MORELLA. I see. So what you would like to do, if you could amend the bill, under transfers you would put the dependent spouse teacher below the transfer teacher in terms of priority, is that correct?

Ms. HICKEY. I am not sure I understand you.

Ms. MORELLA. In terms of categorizing, you would say transfers could be the first, and then following that you would say the local hire or military spouses would be next, not local hire, although now they are in the same classification.

Ms. HICKEY. We are asking that the military spouse have the same hiring preference that she has at the present moment. Because so many are hired, 40 percent of the DODDS teachers right

now are local hires, that allows our military dependent wives, dependent spouses, to have a high level of employment.

If this was done totally by state-side hiring, the military spouse could not compete for state-side hires.

Ms. MORELLA. Right. So you are saying take the local hires, but separate the military spouse from it and keep it the way it is now.

Ms. HICKEY. Right.

Ms. MORELLA. Earlier I made a statement with regard to the spouse who became a widow or was divorced. Do you have any feelings about that?

Ms. HICKEY. That is a hard call. Basically this is a personal opinion. I feel that the numbers of those who would become widowed while their husbands were actually on active duty in a European or an overseas assignment are minute.

Yes, one should try and always make provisions for that. How many of those that become widowed would want to stay? Are we trying to write a law for one person?

Uncle Sam, the government, sends these people back to their home of record in the United States. I do not want to quite say I am against divorcees and widows. That is hardly the National Military Family Association's position.

On the other hand, I think one has to look at a law from the benefit of the greatest number of people.

Ms. MORELLA. Or it may be just very easy, because there are so few, to include them within the scope of the law.

Ms. HICKEY. It may be.

Ms. MORELLA. But I see what you are saying. Mr. Shankle believes that we should include the spouses of other federal employees. Do you have a feeling about that?

Ms. HICKEY. You are putting me in a very difficult position. I am sitting within kicking distance of this gentleman.

I think that there is a very strong justification, the fact that they are sent at government orders. On the other hand, I must concur with the chairman. If we could have their rights when we PCS, if we could have the monies that go to them when they PCS, if we could have our children's tuition paid and go to a choice of schools when we are overseas, then perhaps maybe we would look a little bit more kindly on their desire for spousal preference, absolute.

I think the chairman has hit the nail on the head. The different branches of government and even the same branch of government has a tendency, and departments have a tendency to look at their departments in different ways when it comes to benefits. Therefore, you are comparing apples and organges frequently.

Ms. MORELLA. Mr. Shankle, I have got to give you a chance to retort, if you want to.

Mr. SHANKLE. Well, I do not want to retort. A foreign service dependent in an area where there is a DODDS school does not have a choice. The kid goes to the DODDS school. That is all there is to it.

Mr. FORD. Are you sure of that?

Mr. SHANKLE. Yes. If he chooses to go somewhere else, he pays for it.

Mr. FORD. Is that true for the international school in Athens? Do they have to go to the Navy school in Athens or will they pay the tuition to either one?

Mr. SHANKLE. I am sorry. Are you saying if there are two schools in the area, one DODDS——

Mr. FORD. The Navy has a school in Athens and the American International School has a larger school than the Navy school in Athens. Are you saying that the State Department dependent has to go to the Navy school?

Mr. SHANKLE. No. If there is also a State Department-supported international, he can go to that one.

Mr. FORD. Or if they are living in Rome and the closest high school is in Naples, they can go to the international school in Rome, can't they?

Mr. SHANKLE. Yes.

Mr. FORD. So they have a choice.

Mr. SHANKLE. Well, yes. They want to stay at home, of course.

Ms. MORELLA. Thank you very much for waiting so long and for caring so much.

If there is anything else in addition to what we have in the testimony that you want to get to us, I hope you will do that.

Thank you, Mr. Chairman.

Mr. FORD. The hearing is adjourned.

[Whereupon, at 1:50 p.m., the joint committee meeting was adjourned, subject to the call of the Chair.]

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